

Hawaiian Gazette.

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HONOLULU, H. T., TUESDAY, JULY 14, 1903—SEMI-WEEKLY.

WHOLE No. 2508.

HOME FOR FISHES SOON TO BE READY AT KAPIOLANI

Description of Place That Will Hold Cosmopolitan Population of the Pacific.

Honolulu's long promised and frequently discussed aquarium will soon be a reality.

Through the munificence of several public spirited parties this latest attraction will be erected on the beach at Waikiki, opposite Kapiolani-Park, and form one more link in the general scheme for beautifying and adding future pleasure and recreation.

As a place of instruction the aquarium will be of much interest to the student, the resident, and the visitor at the cross roads as well, who, at no other place in Pacific waters may behold the same beautiful varieties of rainbow hued specimens of the finny tribe.

A large aquarium involves constant care and anxiety; the fish must be fed so that they may enjoy good health, and to insure this they must live under conditions as near as possible the same as they have been accustomed to in the water from which they have been taken.

Aeration is accomplished by carrying a main pipe over the entire length of building, from which under pressure, a small stream of water pours from a tap into each tank, breaking the surface of the water, and carrying to the bottom of the tanks, and distributing over the bodies of their contents, myriads of minute bubbles of air.

The vegetation which forms a beautiful and interesting feature of the aquaria, serves a double purpose, as such growths serve to purify the water.

Sea weeds, however, do not bear transplanting, but sea water is so impregnated with the seeds or germs of vegetable life, that when a few stones or fragments of rocks are taken from the ocean, marine vegetation speedily commences and proceeds.

Following is a brief description of the aquarium to be built at Waikiki:

In style or character the general exterior of the building has a touch of Oriental, in a simple treatment which will be well adapted and harmonize with conditions of environment.

The grounds will be laid out in an attractive manner, affording park facilities, sea vistas and access to the beach.

The principal materials used in construction will be old lichen covered field stones for the sub-base, a buttressed stone entrance, with cut rough arch stones, and frame for the balance of the structure, with an open timber construction for the roof of pavilion.

In plan the building is cruciform, the total length of cross-arms being 83 ft. 10 in., and total length on main axis, from entrance to end of building 105 ft. The arrangement in plan will admit of future extensions or additions.

At the intersection of arms is formed an octagonal pavilion 40 ft. wide, in which may be arranged plaster casts of rare specimens of the deep. In the center of pavilion is a basin, or tank 12 ft. in diameter.

In each arm is arranged the aquaria on either side of corridors leading from the pavilion, consisting of a series of compartments, or tanks, numbering thirty-six, for the different varieties of fish.

The tanks will be constructed of concrete and metal lath 3 ft. 6 in. wide, 3 ft. 6 in. high and 5 ft. long; on the corridor side, separating the visitor from the finny tribe, will be half an inch thick polished plate glass. The tanks will be lighted from skylight formed in roof above, the light penetrating through the water will show off the beautiful tints and variegated colors of the fish, in their element.

Back of the row of tanks will be a passage, affording working space and concealing from view the attendants, at their duties caring for the fish, regulating supply of air or water, or rearranging new exhibits.

Salt water will be pumped from a well excavated in the coral near the beach, into a 4000 gallon distributing tank, elevated sixteen feet.

The water thus obtained will be subjected to a filtering process, deleterious matter being separated by the passage of water through sand and coral.

From the distributing tank, water will be conducted through one and a half inch bored redwood pipe, with brass cock outlets for the supply of each of the aquaria, into which will run constantly a half inch jet of water delivered at the surface, through a nozzle or reducer which admits air being sucked in and forced into the water of the tank, in minute globules.

There will also be a separate piping system through which an auxiliary pump will force air into the various tanks, thus insuring water being perfectly aerated.

(ASSOCIATED PRESS CABLEGRAM.)

Big Tent Blown Over.

DENVER, July 13.—The Christian Endeavor convention tent containing 8000 people was blown over today. A score of the delegates were injured.

Friends of Alexander Conspire.

BUCHAREST, July 13.—An army conspiracy to avenge the murder of King Alexander has been discovered. Many arrests are being made.

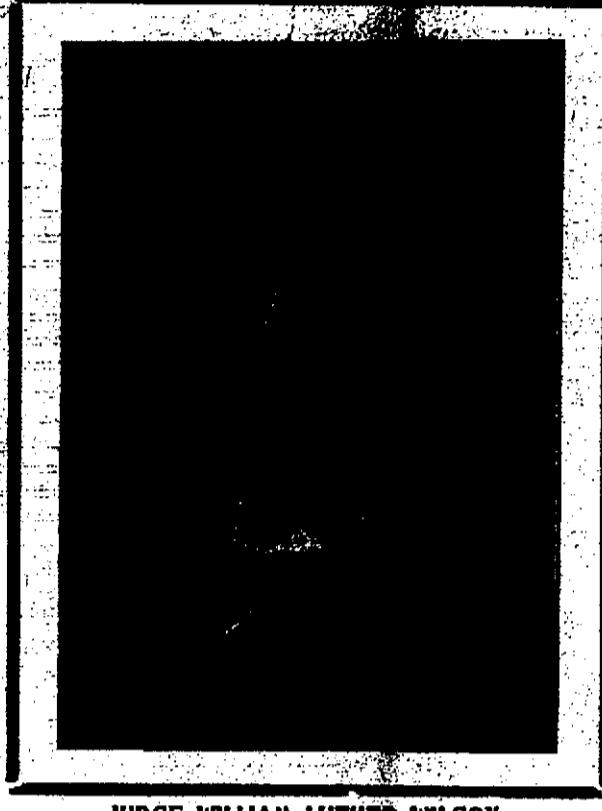
Katsura and Ito in Office.

YOKOHAMA, July 13.—Count Katsura has resumed office and the Marquis Ito has accepted the presidency of the Privy Council.

Bad Outlook for Canal Treaty.

BOGOTA, July 13.—The refusal of the Government to assume responsibility for the canal treaty mitigates the chances of ratification. The majority of the senators oppose the treaty.

DEATH COMES PAINLESSLY TO JUDGE WILCOX



JUDGE WILLIAM LUTHER WILCOX.

Since Boyhood His Life Was Devoted to the Service of the Hawaiian Government.

Judge W. Luther Wilcox died at precisely eight o'clock last evening at Queen's Hospital. The end came peacefully and painlessly. Since Saturday the physicians had given up hope of his recovery and from that time his brothers and relatives and one or two close friends were at his bedside, expecting death, they knew not when.

Judge Wilcox was conscious almost up to the hour of his death. Early in the afternoon he dropped to sleep waking up about an hour later. "I feel all right now," he told those at his bedside, "ten hours of sleep does a man lots of good."

Then he asked for a drink and dropped to sleep again. Gov. Dole and W. O. Smith were at his bedside during the afternoon and evening as well as the members of his family. He began to sink early in the afternoon and from that hour until death came he slowly sank away. No suffering attended his death and he seemed to recognize those about him almost to the end.

Judge Wilcox's death was due to a complication of diseases, on top of which came gangrene. Some time ago the judge, being bothered by troublesome corn, used a razor to get rid of it. Gangrene set in that time, though Mr. Wilcox was not aware of it. However it affected his system and in May he took a hurried voyage to the coast in the hope of recovering his health. He accompanied his brother, George N. Wilcox, who was making the trip on business.

Upon his return June 1st Judge Wilcox appeared much improved, though still feeling far from well. He held court for several days and then was confined to his home, when finally he determined to get rid of his trouble and went to Queen's Hospital to have his foot operated upon. He was operated upon June 20th, and the operation was thought to have been successful, one toe being amputated.

A few days later when it was seen that the gangrene had not been entirely cleared away a second toe was removed. On July 7th it was found necessary to amputate the leg below the knee, but even this severe operation failed to relieve the patient and though he rallied at first, since Saturday the physicians had abandoned all hope of saving Judge Wilcox's life. His three brothers who are living on Kauai were sent for last week, and they have been at the bedside continuously.

JUST FIFTY YEARS OLD.

Judge Wilcox celebrated his fiftieth birthday anniversary last week. He was born July 8, 1853, at Waioli, Kauai. His parents were Mr. and Mrs. Abner Wilcox who came here among the early missionaries. They were not missionaries, however, but Abner Wilcox was a missionary teacher. Judge Wilcox was the sixth of seven children, all sons. The eldest son, Charles, died in California five years ago. Henry Wilcox, the youngest son, who was at one time sheriff of Kauai, died seven or eight years ago. Of the four surviving sons, Edward is now living in Winsted, Conn. He had been notified of his brother's illness, but too late to reach his bedside. The three remaining brothers all live in Hawaii—on Kauai, where they are interested in Lihue plantation. George, the eldest, is unmarried. Albert Wilcox is married, and so is Samuel W. Wilcox, the Senator. He has several children.

The widow and the four brothers are the only surviving members of the family. The parents of the deceased died while William was a boy of sixteen. They were at the time on a visit to their old home in Winsted, Connecticut, when taken suddenly ill. They died within an hour of each other.

William's early education was received at home. His father was a teacher, and the boy was well grounded in the rudiments of knowledge. He was then sent to Punahoa College, remaining there for two years—1867 and 1868. Then word came of the death of his parents, and the boy immediately determined to earn his own living. He was almost perfect in his knowledge of the Hawaiian language, and he naturally turned to that when thrown upon his own resources.

He secured the appointment of interpreter in the courts here and could have remained there all his life if he had so wished. As an interpreter he had no superior, and though he was not at all certain of his own powers, his success was immediate. From the courts he went to the legislature and was interpreter for many sessions, be-

(Continued on page 2)

POPE'S KINDRED SUMMONED TO HIS DEATH BED

Russia Informs China That She Will Open Manchuria Six Years Hence.

(ASSOCIATED PRESS CABLEGRAM.)

ROME, July 13.—Indications are that the Pope will soon die. He has troubled sleep and intervals of semicom. Stimulants are frequently given His Holiness, who complains of growing fatigue. His relatives have been summoned to his bedside.

Oliver Succeeds Sanger.

OYSTER BAY, July 13.—Robert Oliver of Albany, N. Y., succeeds Col. Wm. Carey Sanger as Assistant Secretary of War. Both Oliver and Sanger have long been connected with the New York National Guard.

Another Russian Subterfuge.

ST. PETERSBURG, July 13.—Newspaper reports are that Russia has informed China that she will open Manchuria in 1909 when the country becomes tranquilized.

Movements of Lissner.

PORT ARTHUR, July 13.—Paul Lissner has returned here.

A FINE RECEPTION TO THE AMERICAN NAVAL SQUADRON

(Associated Press Mail Special.)

PORTSMOUTH, Eng., July 7.—With the boom of cannon the British fleet, on behalf of King Edward, welcomed the United States European squadron to Great Britain's naval headquarters this morning. The gunboat *Machias* joined the flagship *Kearsarge*, the *Chicago* and the *San Francisco* early in the morning and shortly after 8 o'clock signals began to flutter from the mastheads of the American and British ships. The latter, in obedience to a signal from Lord Charles Beresford, the commander of the Channel Squadron, formed two lines and down this lane of huge, gray warships moved the Americans, their white sides gleaming in the sunlight.

National salutes were fired by each squadron, which was followed by an exchange of salutes to Rear Admiral Cotton and Vice Admiral Beresford. Subsequently the two Admirals exchanged calls on the flagships, according the usual honors as each came over the side. At high tide the American warships entered the harbor, led by the *Kearsarge*, which was moored south of the railroad jetty and within a stone's throw of Nelson's old flagship, the *Victory*; King Edward's yacht, the *Victoria* and *Albert*, and the battleship *Collingwood*, flagship of Admiral Hotham, the commander in chief of Portsmouth.

As the *Kearsarge* approached the jetty, "attention" was sounded on the *Victoria* and *Albert*, the *Victory* and the other ships in the harbor, a courtesy which was returned from the *Kearsarge's* deck, on which were drawn up an Admiral's guard of fifty marines, under the command of Lieutenant Colby.

So soon as the *Kearsarge* was berthed Sir William Dupree, the Mayor of Portsmouth, boarded her and greeted Admiral Cotton, saying:

"The people of Portsmouth welcome the American squadron and extend to its officers and men all the courtesies they can offer."

Admiral Cotton replied, expressing his pleasure on behalf of the United States.

Admiral Milne, commander of the Royal yachts, specially detailed by King Edward to welcome the Americans, arrived on board the *Kearsarge* and was received by Admiral Cotton and Captain Hemphill. Admiral Milne expressed the gratification of King Edward at the arrival of the squadron, and, in behalf of the King, welcomed it to England.

Subsequently Admiral Cotton, Captain Hemphill and the staff officers visited the naval officials, escorted by an Admiral's guard and a band.

Admiral Cotton has designated the officers who are to attend the state ball at Buckingham Palace, London, Wednesday, in honor of President Loubet. Besides Rear Admiral Cotton and all the American commanders, the list includes a number of lieutenants and ensigns and representatives of the medical and pay staffs.

During Admiral Cotton's visit to Admiral Hotham, the latter reiterated the fact that they had previously met at Esquimalt, when Admiral Hotham commanded the British Pacific squadron, and Admiral Cotton was in command of the *Philadelphia*. Admiral Hotham reiterates personally the warm message of welcome which he had previously transmitted to Admiral Cotton at Spithead.

The Americans were presented to Lady Hotham and others.

Immediately after Admiral Cotton returned on board the *Kearsarge* Admiral Hotham and his staff returned Admiral Cotton's call.

Deputy Governor Cochrane, of the Isle of Wight, also called on Admiral Cotton.

Subsequently the American officers ended their official visits by calling on the Mayor of Portsmouth.

Admiral Cotton and the other American officers, while in London, will be quartered at various hotels, as the guests of the Nation.

Admiral Cotton vigorously denies the report which appeared in the German newspapers that over a hundred men deserted from his squadron at Kiel. The Admiral declares that the discipline of the crew is excellent.

"Only one man, a corporal of marines," said Captain Hemphill, "left the *Kearsarge*."

LEGISLATURE IN HARMONY ENDS ITS LONG TERM

(From Sunday's Daily.)

A MESSAGE TO THE LEGISLATURE OF THE TERRITORY OF HAWAII.

I have no further public business to recommend for your consideration at this session of the Legislature.

Permit me to congratulate you upon the completion of the work of the session and to thank you for the liberal appropriations you have made for the administration of the public affairs of the Territory.

SANFORD B. DOLE,

Executive Chamber, July 11, 1903.

Governor.

The Second Legislature passed shortly before midnight. It was as harmonious in closing as it was tempestuous during its ante agreement days, a veto from the Governor being unanimously sustained.

The day was one which saw passed the three important measures, the loan bill and the two salary bills, and in both houses the vote was such as to show the readiness of the members to get through their work. The expressions of good will were many and the session closed with the utmost good feeling.

The veto of the governor hits Hilo hardest, but the lower house recognized its justice and all voted for its being sustained. There was no discordant note and the adjournment was after an earnest and heartfelt expression by Speaker Beckley.

IN THE HOUSE

When the House met there was first presented the conference report upon the Six Months' Salary Bill, handed in by Knudsen, and signed by all conferees except Kumalae and Lewis. The reading had proceeded for a short time when Kumalae entered and at once raised a point of order that the conference committee had met during the morning, voted to reconsider the items of Superintendent of Public Instruction and Auditor, adjourning before that was accomplished, that in consequence there were no salaries for those officers. Speaker Beckley took the report and found that it did contain the items in question, and therefore ruled out the point of order.

Upon the completion of the reading of the report Kupihea moved that the report be adopted. Lewis said that there would be a minority report and Kumalae suggested that during the afternoon there would be a report submitted and moved also that there be a postponement of action until afternoon. He said the two items had been reconsidered and left in the air. Kellinoi said that faith had been broken with the Senate often enough and he thought the majority report should be adopted at once.

BECKLEY PLACES POINTS.

Speaker Beckley said that the majority party must bear the brunt of the public criticism in the event of failure of the appropriation bills. The question was not only a political one, there would be not only a political issue made of it but as well a racial one. The Hawaiian people were on trial and their votes were to be judged. The members of the House had been characterized as back yardmen and incompetent, men not expected to pass any legislation of benefit to the people. It was therefore the time for the members to show just how they would be judged. He said he was not making the statement to influence votes but he deemed it his duty as presiding officer to give to the House timely warning of the condition of affairs.

The bill was then passed by twenty-five ayes to four noes, the latter being Kumalae, Lewis, Olli and Paele.

The conference report on the Eighteen Months' Salary Bill was then submitted by Chairman Kalama. There was absolutely no discussion, though after the vote Wright began to explain that he insisted on the Campbell item but he soon quit. The vote was twenty-four ayes, five noes, the noes being Kupihea, Lewis, Olli, Paele and Wright, Kumalae voting aye with the remark that he did not vote for Marston Campbell.

The message of Governor Dole vetoing the item of appropriation for the Kona Orphanage was then read. Lewis moved to sustain and Wright to overrule. The vote showed twenty-eight in favor of sustaining the veto, the one negative being Wright.

LOAN BILL GOES THROUGH.

Fernandez moved to adopt the majority report on the Loan bill. Aylett rose to make his swan's song before he would support the bill. He said the last canoe was to be launched and if it was to bring prosperity and happiness he called on everyone to strike the paddles deep and send the canoe along merrily till it touched every shore from Hawaii to Niihau. He said the time had come to prove that Legislators were not here for purpose other than the good of the people, despite the charges against them, which they could show by voting for the report and passing the bill.

Oh! fought against "Or" as did Kanaho, the latter saying that the bill would be ineffective to bring peace to the people; only misery would follow it, when the citizens wanted country government and it was denied them. Paele said he was grieved over the use of the word. Seconding Oh's expression that the Senate smuggled in the "Or."

Fernandez rose to defend the Senate and the conference report, making one of the strongest and most cogent arguments of the session.

Speaker Beckley interrupted once during a colloquy to say that there seemed a misapprehension. No bonds could be issued or money spent except for specific uses as in the bill, and the \$2,000,000 would be spent among the people. This was the most important bill of the session, he said, for the improvements must be made, and if

interest of the Territory and established a more harmonious sentiment among all reputable American citizens of the Islands.

"Resolved, That we as representatives of the people extend to Speaker Beckley our congratulations for his success and our thanks for the courteous consideration shown all members of this House irrespective of party or class."

Clerk Meheula put the question and unanimously the House voted.

Speaker Beckley was called upon by the members of the House to make a speech and said that he thanked the members of the House for their kind expressions. Business he said was first and there should be nothing to stand before that. He would not take the time of the House he said further than to express his good wishes. He then appointed Messrs. Harris, Kumalae and Kellinoi to wait on the Governor and notify him that the House had finished its business.

Speaker Baldwin, Paris and Kalauokalani entered and announced that they had come to ask if the House had any further business, were told that a committee to act with them had been named and the two committees retired to wait on the Governor, the House taking a recess which lasted until 10:45 o'clock.

VETO IS SUSTAINED.

The House then received the veto message of several items in the Loan bill. Harris moved that the veto be spread on the journal of the House and Kumalae moved to sustain the veto of the Governor, the motion receiving the votes of the twenty-two members present.

Secretary Carter then notified the House of the signature of the two salary bills.

The Governor's congratulatory message was next read and then came the close.

Speaker Beckley congratulated the House upon its work and thanked the members for their efforts. The House he said, may have occupied more time than necessary, but the Governor's words of "congratulation" were before him, thanking the legislators for their labors. The improvements asked by constituents were provided. The record was one to be proud of despite adverse newspaper comments. By the vote of the day, he said, all racial differences and pretty schemes had been put aside and the interests of the people regarded. Some instances of criticized utterances occurred but that was the exercise of the privilege of American citizens.

Thanking the members for their expression of confidence he said it was a priceless tribute, and that what success he had attained was shared by all members of the House, many differing in political belief, but here having sunk all such differences and worked for the people.

After benediction the House adjourned sine die all singing "Aloha Oe" and "Hawaii Ponoi."

IN THE SENATE.

Governor Dole's veto of the Kona Orphanage subsidy was unanimously sustained by the Senate yesterday morning. Senator Dickey, as committee of one, had reported that the chartered title of the institution was "The Hawaiian Orphanage and Industrial School Association," and that the charter provided among other things that every trustee, director and officer of the corporation should be a member of the "Church of Christ" as such believing in Jesus as the Son of God and in immersion as baptism.

HOUSE RELATIONS.

The House by letter informed the Senate of the appointment, as members of a conference committee on Senate bill No. 3, eighteen months' salaries: Representatives Harris, Kalauokalani, Knudsen, Wright and Kou.

Another House message announced that body's concurrence in the Senate amendments to House bill No. 10, the last unpaid bills measure.

Senator Dickey said he would vote to sustain the veto, not because the place was a school—as he did not consider it a school any more than a private home where a governess was employed—but because there was no such institution as the Kona Orphanage and the money therefore could not be expended even if voted.

"Shall the item pass notwithstanding the veto of the Governor?" was decided in the negative by the votes of all members present, viz.: Achi, Baldwin, Crabb, Dickey, Isenberg, Kalauokalani, Kaohi, McCandless, Nakapauhi, Paris, Woods—12.

Senator Dickey presented a resolution authorizing the President after adjournment to certify all bills for expenses of the special session of the Senate which he found correct, which carried with an amendment by Senator Achi allowing the Clerk pay for twenty days after adjournment.

THE CONEY BILL.

Under a motion of reconsideration the bill appropriating \$12,000 to compensate the Coney Estate for Tantalus road damages, with the Senate amendment making it subject to a decision of the Supreme Court, came up for third reading.

Senator McCandless was ruled against on his point of order that there could be no reconsideration of the vote, since there was no such majority in the case as was required for the final passage of a bill, reconsideration in parliamentary practice being only movable by one who had voted in the majority. The Senator then proceeded to speak against the bill.

Senator Baldwin called the speaker to order, as there was no motion before the house, and moved that the bill pass.

Senator McCandless cited the will of the late John H. Coney, showing that it devised one-half of the property in equal parts to his wife and sister and the half remainder to his children. It also gave the executrix power with the approval of his wife and a Justice of the Supreme Court, to sell any or all of the real estate. Mrs. Halelea, executrix, with the signed approval of Mrs. Coney and the late Chief Justice Judd, conveyed a 50-foot right of way through the Tantalus property of the estate to the Hawaiian Government in 1894. The speaker argued that the action of the Senate in reconsidering the bill, as in considering it on Friday, was a slur on the Public Lands committee by which it was unanimously recommended to be tabled, an insult to the memory of the late Chief Justice.

Speaker Beckley interrupted once during a colloquy to say that there seemed a misapprehension. No bonds could be issued or money spent except for specific uses as in the bill, and the \$2,000,000 would be spent among the people. This was the most important bill of the session, he said, for the improvements must be made, and if

Judd and an attempt to wrongfully present \$12,000 of public money to private parties. He quoted the President of the Senate as valuing the Tantalus land at \$300,000, arguing that it would have been comparatively worthless but for the Government road built at great expense.

Senator Isenberg raised the point of order that the bill provided for a decision of the Supreme Court.

Senator McCandless said the Supreme Court had already decided through the approval of the Chief Justice to the deed.

President Crabbe informed the speaker he had but a minute more, to which he said he had only just begun his speech.

Senator Woods moved he have an extension of two hours.

Senator Baldwin moved he be given till midnight, as his evident intention was to get the bill to death.

Senator McCandless spoke of there being hundreds of other people who felt they had grievances against the Government and asked why one such party should be singled out for relief from the Legislature. There was no mistaking the meaning of the Coney will on the deed thereunder.

Senator Isenberg thought every member would stand up to thank the committee for its work, but when Senator McCandless said he understood that will he was away off. He (Isenberg) would not put his father's will into the Senator's hands for construing.

Senator McCandless returned to the attack but soon ended with an appeal to the Senate in the public interest, to reject the bill.

THE BILL PASSED.

The bill passed third reading upon a bare majority of all the members of the Senate, the vote being:

Ayes—Achi, Baldwin, Crabbe, Isenberg, Kalauokalani, Nakapauhi, Woods—8.

Noes—Dickey, Kaohi, McCandless, Paris—4.

At 11 o'clock recess was taken until 2 p.m., the President intimating that an evening session would also be necessary, as the Governor could hardly examine and sign all the remaining bills in the afternoon.

LAST NIGHT'S SESSION.

A communication was received from the House notifying the Senate of the concurrence in amendments to House Bill No. 9, and a further letter notifying the Senate of the adoption of the reports on Senate Bills No. 2 and 3 and House Bill No. 2.

LABOR RESOLUTION DEFEATED.

The Kumalae joint resolution providing for increase in pay of laborers to \$1.50 per day was defeated by all members of the House, many differing in political belief, but here having sunk all such differences and worked for the people.

Thanking the members for their exercise of confidence he said it was a priceless tribute, and that what success he had attained was shared by all members of the House, many differing in political belief, but here having sunk all such differences and worked for the people.

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Senator Dickey moved that a committee of three be appointed to notify the Governor and House of the Senate's readiness to adjourn. Carried. And the chair appointed Senators Paris, Baldwin and Kalauokalani. At 9:10 the committee reported the action of the House and that the Governor had stated that he had no further business for the legislature but was still considering the Loan bill.

The House communicated its adoption of the Loan bond resolution, and another recess was taken.

THE VETO MESSAGE.

At 10:45 the Senate reconvened and the following veto message was read:

A Message to the Legislature of the Territory of Hawaii: I am unable to approve of the following items of Act 18 being "An Act Making Special Appropriations for the Use of the Government of the Territory of Hawaii during the two years which will end with the 30th day of June, A. D. 1905:"

Wharf and Landing, Hilo, Hawaii \$20,000.00

Honolulu Road, Pololu to Honokane 2,000.00

Purchase Police Patrol Wagon and Equipment 1,000.00

Re-locating and re-constructing road, Lahaina to Uku-mehame 6,000.00

Road Machinery 6,000.00

Re-constructing and re-locating road, Moloa to Kalihiwai 5,000.00

Re-constructing road, Nawiliwili Landing to Lihue Post Office 10,700.00

Re-constructing and re-locating road, Nawiliwili Landing to Lihue Mill via Court House 6,500.00

Re-constructing and re-locating roads from Koloa town, including road to Koloa Landing 6,000.00

My objections are as follows:

The wharf and landing at Hilo are not necessary at the present time, there being now one good wharf there belonging to the government at which ships can lie, and another wharf being under construction by the Hilo Railroad Company of a very large size,

which by agreement with the Government will be open to the public.

As to the rest of the items objected to, it appears to me to be an un-
sound policy for the Government to borrow money for its running expenses for repair work and for objects not of

POPE TRANSACTS BUSINESS ON HIS DEATH BED

(ASSOCIATED PRESS CABLEGRAMS)

ROME, Italy, July 10.—Pope Leo was again subjected to an operation today to relieve the pressure on the lungs resulting from a gathering of pus in the pleura. The operation was entirely successful and the patient passed a quiet day. A bulletin issued tonight says that the Pope is resting easily and seems somewhat improved.

ROME, July 10.—The Pope is passing a restless night with occasional sleep. The fact that he takes nourishment encourages the populace but the physicians are hopeless. There is no significant change.

ROME, July 11.—The vitality of the Pope is inexplicable. His mind is wonderfully clear and he transacts business and holds audiences with cardinals. Prolonged sleep today created some uneasiness. The Pope's heart action has improved. Cardinal Satolli says that the life of the aged Pontiff is only maintained by the use of powerful stimulants. Arrangements for the conclave are progressing.

ROME, July 12.—Continued improvement is shown in the condition of Pope Leo XIII.

He was able to participate in the celebration of a mass in a room adjoining his chamber.

Encouraging bulletins are issued from the Vatican. These indicate that his respiration is somewhat ameliorated and the use of oxygen has been discontinued.

THE AGONY IS ENDED

DEFIANCE'S RARE SPEED

Briefs Will End Disbarment Trial.

(From Saturday's Daily.)

Yesterday saw the close of the public submission of both sides of the disbarment case against Abraham S. Humphreys and Frank E. Thompson before the Supreme Court. After the Attorney General had concluded his reply to the closing addresses of the respondents at noon, the court asked for briefs to be filed within five days if practicable.

Mr. Humphreys took the occasion of this routine arrangement to throw a farewell mudball. Mr. Thompson ventured an inquiry as to whether ten days would be agreeable to the Attorney General.

"I will ask no favors from the Attorney general," Mr. Humphreys snapped out and glared at Mr. Andrews.

RHETORICAL FIREWORKS.

Mr. Thompson, at the opening of court, spoke in his own defense for about two hours. His style was highly rhetorical with argument interlaced. The opening sentences are a fair example:

We have traveled a considerable distance in this case, from the public archives of Washington to the alkali plains of Arizona, to the Isle of Tahiti and back again here. Argument has taken us to the shores of the Celestial Empire and within the theatres of that realm, following the pot of gold.

This suit is one of the largest that a lawyer could try. Judge Weaver has kindly conceded that we are not now following the pot of gold, but something infinitely dearer.

MAGOON STARTED IT.

The respondent went into the genesis of the case, making out that the charges were the result of J. Alfred Magoon having been personally stung in an altercation in the trial of Robert vs. Sumner. Coming down to the Attorney General's part, he said his report condemned and exonerated in a single breath. Geo. A. Davis was condemned because he received \$2500 for working faithfully and hard for his clients. Magoon was bathed in quasi-judicial whitewash. If Magoon's testimony was taken as true it amounted to nothing.

As the matter was sifted down in this trial it came to a question of whom did Humphreys, Thompson & Watson represent, and how did they represent. Mr. Thompson referred to a proposition of the Assistant Attorney General that, though they were accused of unprofessional conduct in relation to Sumner, yet if found to have been negligent of the interests of the Ellises they should be disbarred.

The prosecution thus had jettisoned their original contention and were providing for ground to stand upon in any event. They did not claim the humane provision of the criminal law which required the proving of charges beyond the shadow of a doubt, but they did claim that the evidence must be clear and satisfactory.

BRAKES OFF.

Mr. Thompson broke through all restraint of the traditional calmness of a supreme court when he reverted again to Magoon. Here is an almost verbatim example:

Magoon is the man who brought the charges in this case. Magoon! Moved by the greatest passion possessed by man—the emotion stronger than a mother's tender love—revenge!

Consider the motive of the accuser! Consider the accuser himself!

Shades of poor old Thomas Christley! Shades of Rebecca Panee! Shades of his own mother-in-law, Julia Afong! Shades of the decrepit James Lovel! Shades of that poor little imbecile New England girl who listened to the lying lips of a rapacious perjurer and who aghast away her life on the shores of Wailana, until at last her rich father purchased her liberty and took her from this Magoon! Appear before us now and tell us of this man—this man who charges us with wrong!

This Magoon, the accuser whose bowels of compassion are made of Manila rope; whose milk of human kindness is but rancorous Limburger cheese; whose religion is rapacity; whose Bible is blackmail; whose golden rule is glutinous greed; whose prayer is perjury; whose god is gain, and whose creed is calumny.

OTHER TARGETS.

Mr. Thompson said he would rather be disbarred at the age of 27 than practice 44 years to become such an exponent of infamy as Henry E. Highton. All the appreciation of professional ethics possessed by Highton could be put into a two-grain capsule and it would then rattle like shot in a tin boiler.

There was more of the same sort and a challenge of Highton's testimony in the face of that of the Ellises, the respondents and others for the defense. Either Highton told the Ellises, Judge Stanley and respondents that the Sumner deed was irrevocable or else he pulled the mantle of his years over his memory.

J. Lightfoot was spoken of as "Magoon's man Friday," but his testimony was claimed by the speaker as corroborating the statements of the respondents.

Wylie Davis was referred to as "the bum-boatsman, the hackman, the saloon keeper, who had to O. K. Magoon's investments under the power

(Continued on page 7.)

Outsails Every- thing in Class.

(From Monday's Daily.)

A spanking breeze with a rather rough sea for small boats, a number of mishaps which put some of the best yachts out of the running, and a close finish in one race, were a few of the incidents of the yachting at Pearl Harbor yesterday, held under the auspices of the Hawaii Yacht Club.

The early part of the morning was perfect, but towards noon a heavy breeze sprang up, and that it was almost too heavy for the smaller yachts is shown by the dismantling of the Mailihihi and the capsizing of the Princess; but for these accidents the day was most thoroughly enjoyed by the yachtsmen and a large crowd of their friends who spent the day at the lochs.

Most of the yachtsmen went down on Saturday night, and the 9:15 o'clock Sunday morning train brought the remainder with a crowd of friends. Commodore Clarence Macfarlane entertained a party at his house, and all the Peninsula homes had their quota of visitors. The new club house is not entirely finished, but its lanais were used as vantage points by many, to view the races.

Soon after the train arrived from the city the races were started. The preparatory gun was fired from La Paloma at 9:34 o'clock and fifteen minutes later the starting flag for the fourth class yachts was hoisted on the pole at the Club House. It was dropped five minutes later and the first race was on, Malolo crossing the line, just ahead of the Skip. Van Valkenberg started third, but dropped out of the race, leaving but two boats in the fourth class.

The Princess and the Myrtle crossed the line first in the third class. Their crossing time was 11:04. The Mailihihi, Wiki Wiki and Defiance followed in the order named. There were but two yachts in the first class. Whitney failing to show up with Helene Gladys crossed the line at 11:15 a. m. and La Paloma at 11:16 1/2 a. m.

Once all the yachts were off, they presented a beautiful sight tacking to the first buoy off Ford's Island. This buoy had been moved further down the channel towards Puuloa, and the buoy off Waiau had also been moved into deeper water.

Before the boats rounded the first buoy a sudden squall snapped Mailihihi's mast and the boat was out of the race. Lyle in Mary L. stood over and picked her up, and towed her back to moorings.

The new boat Defiance soon showed wonderful sailing qualities and walked away from the cracks Myrtle and Princess as if they were anchored.

The next accident was off the Waiau buoy when La Paloma stuck on a mud bank. Capt. Rodman in the Naval Station launch was soon on the spot but as the yacht could not be moved Commodore Macfarlane and his assistants were taken off. It was expected that La Paloma would be pulled off last night at high tide. Hobron in Gladys went over the course alone, and it was really a race between Gladys and Defiance. These boats were close together over most of the course, but Gladys failed to catch the speedy third rater.

All the yachts went over the entire course twice making a run of twenty-one miles.

Walker's new boat attracted perhaps the most attention. She is without doubt a wonder in the way of speed, and at no time was she hard pressed by the other yachts of her class. The Princess, Myrtle and Wiki Wiki were bunched, until on the second time around off Waiau, not a hundred yards from where La Paloma lay, the Princess capsized. The crew, Henry Rota, "Rem" Harrison and Douglas Jones stood by the boat until Cooper's launch reached them. Sam Dowgett in the Dewey offered assistance but it was not needed. The Dewey, which was sailing over the course with the other yachts, broke a throat halyard and her mainsail came down with a run. The slight damage done was soon repaired.

The final run from the Ewa buoy to a line off the yacht club house, the Malolo and the Skip were nip and tuck, at the last moment a gust carried the Skip across the line winner. The finishing time was 2:04 1/2.

Defiance finished at 1:45 p. m. and Gladys at 1:47 1/2 p. m. The time of the first boat was nearly equal to that of Gladys.

Myrtle finished towards the rear end of her class, but this was because she turned back to offer assistance to Princess when she went over.

The racing as a whole was good, and made more than exciting by the numerous accidents, but fortunately no one was hurt.

The starting time of the yachts, and the finishing time of the winners is as follows:

FOURTH CLASS.

Malolo—Start 9:54 1-5 a. m.

Skip—Start 9:54 2-5 a. m. Finish 1:45 p. m.

THIRD CLASS.

Defiance—Start 11:54 2-5 a. m. Finish 1:46 p. m.

Princess—Start 11:44 a. m.

Wiki Wiki—Start 11:5 a. m.

Mailihihi—Start 11:4 2-5 a. m.

FIRST CLASS.

Gladys—Start 11:15 a. m. Finish 1:47 1/2 p. m.

La Paloma—Start 11:16 1/2 a. m.

MILLET DOES WOODS IN FIVE FAST ROUNDS



Honolulu's Veteran Favorite is Game on Behalf of Friends—Huihui vs. Latham a Pretty Draw—Maderia Annihilates Mattox.

(From Sunday's Daily.)

Billy Woods stood up gamely against Joe Millet for five of the fifteen-round glove contest, and until the closing passage of the third even made it look as if there was going to be a fight. The old favorite of Honolulu indeed lost none of his friends by anything that happened. This coming up for the fifth round and fighting it out was really a heroic piece of business for the benefit of his friends who backed him to that extent against the powerful "arrival" from Frisco. Referee Weday declared Millet the winner when the time came for the gong to sound the sixth. It is believed Woods would have accepted a knockout rather than a givein, but High Sheriff Brown backed the evident sentiment of the audience by ordering the unequal bout to cease.

The preliminaries were all interesting in a different way from each other. Mattox was hammered to pieces by the Punchbowl wonder, Maderia, the punishment being only less summary than the same man received from Millet a few weeks ago. The draw fought by the Chinese "pugs" was more of a wrestling match than a sparring, and if it had been Japanese a limb if not a neck would assuredly have been broken. For a really pretty and intelligent mill nothing better in a long time has been seen than the six-round draw between William Huihui, the native champion, and Soldier Latham.

There was an audience to give joy to the management. It filled the five-dollar boxes and packed the body of the house to repletion. All of the sporting elite was one, including many of the good and great of the community. A section of the Territorial band played cakewalks at intervals so far apart as to elicit many calls for music.

THE PRIME EVENT.

Jack Weday acted as referee for the \$1200 a side contest. Woods was introduced as "Pneumatic Billie Woods, the man that made Jim Corbett famous," and his antagonist as "Joe Millet of San Francisco, the coming middleweight champion."

There was a conference committee meeting in the middle of the squared circle and Paddy Ryan was deputed to go forward and make this little speech:

"When we signed these articles it was Mr. Woods wants clean breakaway from clinches." The audience cheered for Woods and then the announcement was made: "The contestants have agreed to break clean." Following is a summary of the five rounds fought:

SUMMARY OF FIGHT.

1. There were dandy feints by both men all around the square. Woods got in the leading touch, a slap on Millet's ribs taken smilingly. "Woods is no pug" was the cry amidst applause. Millet had to accept a smart one on the side of the head, followed by a brisk massager on the body. Millet's rushes now began but ended in neck embraces. Just before the gong he gave one of his fearful right swings but Woods was not there.

2. Woods accepts a warm swat on the side, succeeded by a glancing head swipe. He advances smiling and escapes a drive by a clever duck. His advances become strong and a good fighting eye catches the sympathy of the house. Millet, however, lands a sickener on the side of the old warrior's head. Two taps in the face are taken, followed by a blow on Millet's chin. Woods replies with a side up Millet's chin, drawing blood from his lips. The gong again.

3. Woods reaches Millet's body and a strong reply failed to arrive, but a

following light tap was succeeded by a terrific clip on his ear. Millet drove a hot one that barely reached and then took Woods squarely in the chest. Woods ducked from a knockdown, taking a blow upon the body right after. Millet was rushing things just as the gong sounded and the fact that he was master about then dawned upon the most sanguine admirers of Woods.

4. Quick exchanges without hurt either way opened this round. Millet receives two five-fingered compliments in the head in rapid succession, and with a couple of heavy body reachers made Woods stagger. Woods misses in two swipes and next moment is down. Half kneeling with his right hand on the floor he awaits the count of nine and springs anew to the combat. The fight is redhot in his corner for a few fierce exchanges. Woods retreating out of the scrummage. Millet drove him across that side to the ropes, punishing him fearfully in the face. He had not the chance to save himself by bucking his antagonist, but the gong relieved his desperate situation.

5. Woods, with two eyes in chantey and the right one bleeding profusely, once more came gamely forth. The ruses were mutually fierce but every meet brought fresh penalties to Woods. Millet is not a mite fagged, while his face is scatheless and cheerful. The marvel is how Woods keeps his pink. Yet he not only does it but gets in the last touches of the round. Millet takes one in the chin and another in the breast just before the gong rang.

6. It was easily seen that Woods was done for, though, if the fight had not been declared Millet's as this stage, there was every appearance that the veteran would have answered the gong again for his friends, who a little earlier changed stakes and made them higher on the proposition that Woods would stay through the sixth instead of the fifth.

RAINY CITY DAY BY DAY

Politics Are on Tap Over There Now.

HILO, July 14.—"As soon as I return from Waimea," said John Baker to a Tribune representative yesterday, "I shall inaugurate a movement which I believe will have an important bearing on the choice of a successor to Governor Dole. Governor Dole will be out in less than year and it is time something should be done to ascertain the choice of the voters of Hawaii regarding his successor. I believe," continued Mr. Baker, "that the President of the United States will give some heed to the wishes of the people of Hawaii. I propose that every voter be given a chance to sign a petition asking the President to appoint the choice of the petitioners. I want to send a petition to the President; one to the House of Representatives and one to the United States Senate. I want the President to know whom we want for Governor. We want the best man and I believe the wish of the majority of the voters of Hawaii will be conclusive proof of who that man is.

"I shall make a tour of this Island first and explain to the Hawaiian people my object. I shall urge them to sign for the nomination of a good, honest, reliable man. Whoever seems to have the lead, providing he is a good man, and a man who will not forget the Hawaiians will be the man I shall work for. I want the people to unite. I want to send petitions to Washington bearing thousands of names. After we cover Hawaii, we will circulate the petitions throughout all the other Islands. Citizens regardless of color will be asked to sign. I believe we can show the President whom we want. 'Who is your choice?'

"The best man," said Mr. Baker. "I do not believe we should seek to have the President appoint an Hawaiian. But we want a white man who regards the rights and feelings of the Hawaiians. I could name a few white men whom we do not want, but I prefer to wait and find out the popular will."—Tribune.

SCHELLBERG LEAVES.

L. E. Schellberg, principal of Ahuau School, Hamakua, has sent in his resignation to the Department of Public Instruction and has accepted a position in the Interstate Commerce Commission, Washington, D. C., Mr. Schellberg is not only one of the able teachers of this Island but is also a Notary Public, Secretary of the Honokaa Republican Club, Secretary and Treasurer of the Honokaa church and President of the Hamakua Teachers' Association.

He was formerly a cadet at West Point but was discharged on account of physical disability in 1888. He came to Hawaii during the same year and began teaching in 1898 and has taught until the present time.—Tribune.

NEWS NOTES.

Court was convened at Honokaa Wednesday by Judge G. F. Little. The civil docket was taken up at once and assignment of cases made. Yesterday the Grand Jury was impaneled.

D. A. Loebenstein and bride and Miss Etta Loebenstein were passengers by the Falls of Clyde.

The match race between Defender and Rejected, talked of for next Saturday, has been declared off.

As an aftermath of the accident to Mollie Connor at the track Friday it is believed that Bob Ballentyne will accept the offer to sell her for breeding purposes.

The concrete work in the new water works reservoir is about half completed.

Misses Ivy and Ruth Richardson, accompanied by Miss Dwight, are home for their summer vacation.

A. Lindsay, manager for the Hilo branch of Theo. H. Davies & Co., came home by the Kinau from a two months' leave of absence.

Judge Little, Clerk Daniel Porter, Ballie Silva and Miss Stein, court stenographer, left early Monday morning for Honokaa to hold Court.

Mrs. A. G. Curtis has resigned from the principalship of the 12-mile school. Mrs. F. M. Wakefield will be offered the position with Miss Chung of Maui as her assistant.

Mr. Erickson with a corps of workmen is tearing down the old Waiakea bridge. The new bridge has been shipped and will be erected in place immediately after its arrival.

The Superintendent of Public Works has decided to call for bids for repairing Volcano road. Mr. Gere has been instructed to prepare the necessary plans and specifications at once.

LAHAINA MUST BE A CLOSED PORT

In answer to an appeal made by H. Hackfeld & Co. to the Treasury Department some time ago that the port of Lahaina be continued as a port of entry until December 31, 1903, the following letter has been received by Collector Stackable, from L. M. Shaw, Secretary of the Treasury:

Hawaiian Gazette.

At the Postoffice of Honolulu, H. T. Second-class Matter.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

SUBSCRIPTION RATES:

Per Month, Foreign \$.50
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—Payable Invariably in Advance.—

A. W. PEARSON,
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TUESDAY : JULY 14.

WILLIAM LUTHER WILCOX.

Judge Wilcox is dead. After suffering which would have dimmed the courage of one less brave, marr'd a temper less sunny and left its impress upon the closing hours of one less philosophic, quietly like a sinking to sleep the great heart was stilled and eyes which saw not were closed.

Perhaps unspoken, yet to those who knew the man it was evident that the mainspring of his life was expressed in the wish of Aben Ben Adesem: "One who loved his fellow-men."

Many were the sides to his remarkable character; varied the attainments, rich the fund of native common-sense and wit. Best known as judge of the District Court, where justice must be tempered with mercy, and where character reading must rule as well as knowledge of the law, Judge Wilcox was held in universal esteem. In judgment a Solomon, he paid little attention to the technicalities; getting to the root of the cause and judging as a corrective rather than a vengeful agent of an outraged public.

Not by any means the least valuable of his attainments was a knowledge of the Hawaiian second to none. As an interpreter he was endowed with a knowledge of idioms and expressions which stood him in good stead. He not only knew the Hawaiian language but he knew the people and his knowledge led him to see motives, to reach conclusions as to punishment which would be beneficial, which seemed to one unacquainted with the Hawaiian habit of mind improper, but result justified his actions.

His court was the theater for many dramas but he mixed with his decisions such rare humor that ill feeling was often averted and differences solved without a last resort. The passing of Judge William Luther Wilcox means much to Hawaii. Where his successor will be found is a delicate question.

LABOR'S COMING OPPORTUNITY.

The next two years ought to be prosperous ones for the workingman in Hawaii. The loan act calls for the expenditure of over two million dollars by the government and the current expense appropriation will add another million to the expenditures which the Territory must make in the two years. Practically all of this money will go to the laborer, for the improvements to be made are in the form of new roads, new bridges and new buildings. Also this money will go to citizens, and not to Japanese or Chinese. The new law passed by the legislature provides against the employment of any but citizen labor on public works, and there is a saving clause which provides for the employment of non-citizen labor in cases of emergency, but Americans must be first cared for. From the experience of the past it is very doubtful if sufficient citizen labor can be secured to carry out the work which must be done in the next two years, particularly in some of the outlying districts where any kind of labor is at a premium. Notwithstanding the cry which was often heard during the campaign that there was a discrimination in favor of Japanese in some districts it is apparent to everyone that there was no just ground for the complaint. Nearly every public official who has to do with labor over his position to politics and it is but natural that what patronage there is to be distributed will go to the voters and not to the alien whose good will can be of no value. So the real search except in isolated cases was the lack of available citizen labor, and there seems likely therefore to be a scarcity of the kind of labor wanted when once the extensive improvements contemplated are undertaken. Every indication points then to the probability that the next two years will be a fitting time for the American workingman to make his home in Hawaii.

It is not always the ill that need a physician, but sometimes the well, who would keep so and progress. The time has come when Hawaii is in need of advice and it will not be unwise to get it from the best source. The Territory is today in the market as a seller of bonds. There are several questions with regard to local securities that must be settled, as to expenditures under counties and for them and an expert should be consulted at once.

The surplus revenue of \$50,000,000 for the past year, making \$230,000,000 credit balance for the Treasury is causing democratic newspapers a deal of worry.

The further fact that American steel mills cannot supply the demand, making necessary importation of \$42,000,000 worth of material this year gives two texts for a tariff reduction sermon. It might be remarked however that the workman who is constantly employed at good wages is perfectly content with conditions. Meanwhile the greater the surplus the better Hawaii's chances for a share.

The almost unbroken record of sustained victories in both the regular and special sessions of the Legislature of 1903—frequently with the concurrence of the Governor's open and notorious political opponents—is something that might cause Governor Dole to be envied by the executive of almost any other commonwealth in the union. It indicates that the "blunders of Dole" are about as hard to bring home as the "mistakes of Moses."

SECOND LEGISLATURE.

The second Legislature of Hawaii has passed. From sheer force of habit some of the forty-five who have been 120 days at work at the Executive building may wander back today or tomorrow, but they will find deserted halls. Their day has ended, they are in eclipse, and it is safe to say that many never will emerge from the umbra.

The Legislature, at its special session just finished, passed 20 bills, had one vetoed and one pocketed, a rather fair average as to acceptability, but it could be bettered as to time, when one realized that the average was one bill to each three days. Some of the measures took hardly as many minutes, as witness the supply bills, which went through with a rush, every time.

But it is not for its bills that the Legislature will be known, rather for its resolutions and utterances. Of the former only two may be classed as "want of confidence" resolutions, these being directed against Deputy Auditor Meyer and Assistant Superintendent of Public Works Campbell. This indicates a material change in the legislative habits of mind. Acquainted from birth to a responsible head of government, with ministers holding office at the will of the throne, it is easy to see why the members of the initial law making body should fulminate against the executive head. That the members have begun to appreciate their responsibility is one of the best signs for the future. The anxiety against Marion Campbell is incomprehensible to some. Yet it is not too hard to fathom, perhaps. One of the most implacable enemies of the engineer would have accepted a contract to build bridges which the Department constructed itself more cheaply. A former official had been cut out of profit, an outsider was prevented from getting in, all of which meant that Campbell, being in their way, must go. The attack of Levers fell of its own stupidity.

Of the many utterances of the members of the House none will be so long remembered; none will ever be given such wide publicity, as Speaker Beckley's declaration in effect that each incoming American jeopardized the future rule of the Hawaiians, and that consequently they were not wanted. Purely political, the reason, spoken with a passionate devotion to his own race and an absolute forgetfulness of his new national relations, it weighed only with those who, like him, confess that they do not want to encounter the competition of muscle and mind that must follow the influx of immigrants.

The errors of the Legislature, though many, were not all of the lasting kind, of course with some exceptions. It seemed to some of them right and proper that they should abolish an office, where the need was clearly apparent to a reasoning or reasonable mortal, simply because the incumbent did not please them, yet they thought it entirely correct to give an assistant more salary than the principal. Honolulu's harbor, which must be ready to carry the greatest ships of the western ocean, might well do without the minimum appropriation suggested by the official who studied the question, but the Hana physician must have a raise in salary or Walluku a chemical fire engine.

Perhaps, however, there were lessons taught by the Legislature itself which will not be forgotten. Men who sat in the body, who voted for interpreters, now declare that had the English language been used during the session, as was the very evident intention of the Congress, all the work could have been finished in sixty days. Not only was there great waste of time with translations but men talked in Hawaiian simply to hear themselves talk. It would be clearly in public interest if English "only" was made the language of the law makers. And then too it would shut out Kaniko.

Political parties spring from the desire of men to give weight and strength to their concerted action. Republicanism in the United States stands for something. During the 120 days now closed, men elected on the ticket backed by Republicans, urged by men of that party and endorsed by the highest rank of leaders, saw fit to throw allegiance to the winds and paddle their own canoes. Of such are Kumala, Aylett, Kalli, Pulua, Nakaleka, Lewis. It would appear that such a party as party loyalty does not enter into their equation. Instead of working with their party majority they go off on their own route, disrupt party and consider that they have done wisely. It is common talk that if they return to the Legislature it will be upon their own nomination, after a fight made on their own responsibility. Support of party platform and precept is a cardinal tenet of Republican faith, yet the surprising spectacle was presented of a minority report from committee. The unwarranted attacks on Republican officials often came from men elected on Republican tickets. In this way was the honored party name made a reproach and the prestige of past victory dimmed.

The lobby must not be overlooked either, for it is safe to say that three men who busied themselves, cost the Territory more than \$30,000 because of waste of time.

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King Peter is beginning to feel like a Servian monarch of standing. Already he has learned of an army plot to avenge King Alexander, probably by murdering him. It looks as if Peter might be a repeater before long.

AN ANTI-AMERICAN POLICY.

An evening paper complains because the fanatical attack by Speaker Beckley and others upon the plan to bring American settlers here, was sent out by cable, saying that the story was one-sided. As a matter of fact only one side belonged to the story and that was the true one, namely, that an appropriation for an immigration commissioner was beaten in the Royalist House of the Hawaiian Legislature after Speaker and other leaders had declared that American settlers were not wanted here. That was the plain, unvarnished news, such as the Associated Press expects its agent to send. It was not his business to pollute the record but to give it as it was made. Nor was it his duty to say, as is intimated in the Bulletin, that the anti-American speeches were made in "the heat of discussion." No matter how hot the debate may have been, it crystallized into the cold fact of an adverse vote against the immigration commissioner, and besides, the news-reporter has nothing to do with motives of persons which do not appear in the record from which he gets his information.

Further than this every fair-minded person in Hawaii knows that the aboriginal policy is opposed to his interests. The native no more wants white men and particularly Americans to come here than he wants to be beaten in the next election. He believes that the more Americans there are in the Territory, the fewer will be his chances to hold office—and holding office is the supreme ambition of every aboriginal native of the soil. His spirit of opposition to Americans whom he accuses of having stolen his country in 1893—is his substitute for patriotism. It appears in all his public acts whether legislative or administrative; whether in framing bills or in amending a land bill, his greed smitten high and kin would have had him in the mad-house and his fortune in their own reach. But things took a turn for the better and John K. Summer slept at ease. "Let's wake him again and keep him awake! Let's lash him till his mind gives way! Haul him into court, put spurs at his heels, compel him to employ more lawyers, keep him away from his business in Tahiti—then, may be, we can get him into the asylum and his fortune into our bank accounts!" Is that the attitude of those who are again trying to unnerve the poor old man, who, after long tribulation, has got back his own? For the sake of a common human nature we hope not—but wait and see.

Meanwhile anything that is done, by cable or otherwise, to acquaint the people and government of the United States with the exact situation here is a public service.

SETTLERS.

[The Official and Commercial Record.]

By the joint labors of the various immigration and promotion associations of California and with the invaluable assistance of the transportation companies in the way of special and reduced rates, nearly 40,000 settlers have been brought into the state in the past twelve months, and the end is not yet. This shows what can be accomplished by intelligent, consecutive and concerted effort.

The figures given have no reference whatever to the immense crowds of tourists who have visited the state on health or pleasure bent, but refers only to those who have come there to stay, the greater proportion of whom are home builders, tillers of the soil; the very class of people so much needed in Hawaii.

There is no reason why we should not be just as successful, proportionately, as California, in attracting this class of people. We have the inducements to offer and all that seems necessary is to make known the real facts in regard to the islands, to those who are seeking just such information.

No state or territory in the union can

show better soil, better climate or

raise a greater variety of products than is possible here.

The sore heads, the pessimists and the anti-everything people who are to be found in every community, would have us believe that every possible fine of business had been exploited, every mine of industry worked out, but this is veritable rot, as, with the exception of the sugar industry, we have simply nibbled at the edge of possibilities in production.

Those who are successful in any line of business do not, as a rule invite competition and, naturally, comparatively little being given out for publication by the people who are thoroughly satisfied with what they are accomplishing on their small farms. This information can be obtained however and if properly compiled and put in presentable shape should make a showing that would set people to thinking of us and eventually start a stream of intending settlers in this direction. It would also be a surprise to many of our present residents who have confounded small farming with truck farming or market gardening.

The City of Peking is not likely to do much more service at sea. It must be nearly thirty years since she and her sister "Erzheran" as they were called, came out of the old Roach yards, the first big modern passenger steamers of American build. The Peking's consort, the City of Tokyo, did not last long, an accident sending her to the bottom. As for the Peking, although having some vicissitudes, she has made a good deal of money for her owners and will be remembered with good will by those who travelled in her when there was nothing better afloat in this ocean.

TYSENTERY causes the death of more people than small pox and yellow fever combined. In an army it is dreaded more than a battle. It requires prompt and effective treatment. Chamberlain's Colic, Cholera, and Diarrhoea Remedy has been used in nine epidemics of dysentery in the United States with perfect success, and has cured the most malignant cases both of children and adults, and under the most trying conditions. Every household should have a bottle at hand. Get it today. It may save a life. All Dealers and Druggists will sell it. Benson, Smith & Co., Ltd., Agents for Hawaii.

The band will play this morning at the wharf for departing legislators. There are several fine tunes, among them the Rook's March, which might be used but that spiritied air "I Don't Care If You Never Come Back" would be as good as any.

AGAIN ON THE TRAIL.

If there ever was a man in a state of malicious prosecution it is John K. Summer. No other term can describe the embarrassment with which he is visited by the Ellis appeal from the decision of Judge De Bolt dismissing the application for the appointment of a guardian for his person and estate on the ground that he is insane.

John K. Summer by legal decree, by medical examination and by common knowledge, is in full possession of his mental faculties. His only weakness has been in paying money to his relatives to let him alone and not taking from them a quit-claim receipt. But over-trustfulness in one's kin is not a sign of insanity; a reluctance to believe that one's own flesh and blood, upon whom favor had been showered, would treat their benefactor in his old age with mean ingratitude and baseness, does not prove a man to be mentally undone.

King Leaf, when he divided his island empire between two human hellcats, his daughters, was not of ruined mind; it was only when he found himself betrayed and driven out into the highways by his brutal offspring when he learned how sharper than a serpent's tooth is it to have a thankless child that his intellect went into sad eclipse. Perhaps that contamination is what the people are holding John K. Summer hope for now. Perhaps they think that this old man, with the burdens of eighty-three years upon his shoulders, will break down indeed, if he is harried again with bitter accusations and trailed by the bloodhounds of the law. A few months ago, when his troubles were multiplying, Mr. Summer could not sleep; he walked the floor or sat at the window at night with hot, strained eyes. If that state of things had kept up long enough, surely his greed-smitten high and kin would have had him in the mad-house and his fortune in their own reach. But things took a turn for the better and John K. Summer slept at ease. "Let's wake him again and keep him awake! Let's lash him till his mind gives way! Haul him into court, put spurs at his heels, compel him to employ more lawyers, keep him away from his business in Tahiti—then, may be, we can get him into the asylum and his fortune into our bank accounts!"

Attorney-General Andrews will move to have the County Act case heard by the Supreme Court in vacation. If the whole law cannot be considered on the appeal from Judge Gear annulling the Board of Public Institutions, an agreed submission of facts to decide the validity of the entire measure will probably be arranged.

[From Monday's Daily.]

LOCAL BREVIETIES.

(From Sunday's Daily.)

Admiral Jones says he is going to get out a paper or one issue to express his views on the Summer case.

David Dayton, administrator of Madeline C. K. Dowsett, obtained approval of final account and discharge from Judge Gear.

Judge De Bolt ordered that special letters of administration without bonds be issued to Solomon Peck under the will of the late Ely Peck.

While slacking lime a Chinese painter working at Moanalua was severely burned in the face and eyes on Friday. He was taken to the hospital in the patrol wagon.

The question is raised of whether the Pacific Mail Steamship Co. has a claim on Midway Island. It is said a load of coal was dumped on the islet by the company in 1889.

Kamahohipo Gusman was granted a divorce from Ben Gusman by Judge Gear, on the ground of the husband's habitual drunkenness and refusal to support his wife.

Secretary Carter presented President Crabbé of the Senate and Speaker Beckley of the House with bouquets yesterday morning in farewell token of appreciation of their services in their respective chairs.

The Alexander Young Building is being opened by degrees. Last night the bar was began business. The place was decorated with American flags and a quintette club played. Free refreshments were served.

Kemila Holt has given a bond of \$1000, with John D. Holt, Jr., as surety, on a writ of error to the Supreme Court in the election case of Kaauka. Kemila Holt, wherein plaintiff recovered judgment for the restitution of certain lands, together with \$625 damages and \$31.50 costs.

Judge Gear denied the motion that Joao Martins, guardian of Herman Petzold, an insane person, be allowed nine dollars a month for the support of two minor children of the ward from May 1, 1901. He also ordered the discharge of the guardian, appointing J. E. Folerton in his stead under a bond of \$1000.

Attorney-General Andrews will move to have the County Act case heard by the Supreme Court in vacation. If the whole law cannot be considered on the appeal from Judge Gear annulling the Board of Public Institutions, an agreed submission of facts to decide the validity of the entire measure will probably be arranged.

[From Monday's Daily.]

The Benedictine Sisters have begun the improvement of their tract in Kaimuki recently purchased for the purpose of building a retreat. For the present the place will only be cleared and a high wall built to enclose it.

The General Court Martial designated by Colonel Jones, to consider matters in the National Guard, will meet this evening. The nature of the case to be tried is not made public, though it is said that the hearing will be open.

The funeral of the late John Leal, a well known Portuguese, was held yesterday afternoon at the Catholic Cathedral. The deceased was formerly in charge of the Makiki store and had many friends. His death occurred early Saturday morning. Leal was a brother-in-law of Representative Fernandez.

Dr. J. S. B. Pratt, chief health officer, is at Kona, Hawaii.

The branch of the Rapid Transit line around the waterfront will probably be open for business the middle of next week.

There will be a meeting of heads of departments tomorrow forenoon to consider appropriations under current accounts.

Seeley L. Shaw's liquor dealer's license for Hilo was renewed yesterday with the approval of the Governor's council.

There was a session of the Fire Claims court yesterday to clear up some questions which had arisen over the payment of claims.

Civil Service Examiner Ingalls will hold an examination on the 22nd and 23rd of this month for a school teacher in the Philippine service.

There will be work in the second degree tonight at Excelsior Lodge. Meetings are now being held in the Elk Hall on Miller and Beretania streets.

Benjamin Pahakula and Mrs. Kahalewai, also Mon Hop and Miss Julia Kalama, were married at Milliani Hall by Elder G. J. Waller yesterday morning.

THE LAST SAU RITES WERE SAID

Large Concource
at Kawaiahao
Church.

BENCH AND BAR RECOGNIZE LOSS

All of the courts having occasion to open yesterday recognized the public loss sustained in the death of First District Magistrate W. Luther Wilcox by adjourning out of respect to his memory.

IN THE FEDERAL COURT.

District Attorney R. W. Breckon, on the opening of the United States District Court, moved that the court adjourn out of respect to the memory of the late Judge Wilcox. He said the deceased was an old-timer and a man whom the entire community would miss.

A. G. M. Robertson seconded the motion with a few appropriate remarks. Nobody had understood the people of these islands and their language better than Judge Wilcox. As interpreter in the legislature and the higher courts and as chief city magistrate his services to the public had been equally valuable.

Judge Estee said: I did not have the pleasure of knowing him as well as some, but Judge Wilcox was one of the few men on the bench or off the bench that I have known whom very few people spoke against. In my opinion he was one of the best men the population of these islands has produced. He was one of the most popular men in the islands and he was popular because his impulses were right. He seemed to grasp a point very quickly. Judge Wilcox was one of the few men who could send a man to jail for six months and not have the man apparently feel bad about it.

He convinced his audience and the parties that he was right in carrying out the law and was punishing a man merely because the law required it. Moreover, Judge Wilcox was one of the most useful men this Territory has produced and the court will adjourn out of respect to the man as well as the judge until 10 o'clock tomorrow.

BEFORE JUDGE DE BOLT.

First Judge J. T. De Bolt of the First Judicial Circuit, ordered the days chambers calendar continued with remarks in part as follows:

"This city—this Territory—in the demise of Judge Wilcox, loses a valuable citizen and a noble man. There may be man of greater natural ability and of greater education, but Judge Wilcox's equal in work, stability of character, common sense and fairness would be very difficult to find." Judge De Bolt spoke of Judge Wilcox's intimate knowledge of the Hawaiian people, also his intuitive discrimination between right and wrong, concluding: "As an interpreter he understood the meaning of the Hawaiian language better than anyone else. As a magistrate he always tempered justice with mercy. He was the Hawaiians' best friend and commanded the respect and admiration of all."

Judge W. A. Whiting expressed his sorrow at the public's loss and said the experience of Judge Wilcox as interpreter and magistrate, with juries, witnesses and offenders, made of him a natural lawyer. The judges often asked him for advice and from his knowledge of the Hawaiian habit of thought, his counsel led to the tempering of justice with mercy in the case of a poor native transgressor. He possessed the happy faculty of interpreting thought as distinguished from translating words. His superior as a magistrate would be hard to find. Judge Wilcox would be a happy memory to all who had enjoyed the privilege of his acquaintance.

A. G. Correa said: "The bar and the community have lost one held in all hearts as a just judge and a valuable citizen. From the bench he dealt mercy with justice. He was ever willing to help those in need and never had an ill word for anybody. On the contrary he always spoke well of all men. We cannot replace our loss. The public and the courts have sustained a great loss."

J. M. Vivas, formerly Portuguese interpreter, said: "Judge Wilcox was faithful to his duties, a valuable public servant and a firm friend to the Hawaiians. I was his colleague as an interpreter for eight years and had the opportunity to know the character of the man. His conduct was ever the same whether he was acting officially or otherwise. When he became a judge he did not change toward his friends. The greatness of his soul was always clearly expressed. We can feel nothing but the deepest sorrow in our hearts at his demise."

BEFORE JUDGE GEAR.

Judge Gear opened court only to adjourn it with the following remarks. After an expression of sorrow at the news of Judge Wilcox's death and a statement regarding his identity with the life of the Hawaiian people he said: "Never have I heard a word against Judge Wilcox. No one so well commanded universal respect. He was a rough diamond—and I do not say that to imply that he was not highly cultured—for he possessed all the attributes of a man. The news of Judge Wilcox's death struck me with pain. It is fitting, it is the least we can do, to adjourn out of respect to the memory of the man who not only lived in this community, but in the hearts of all who make up this community—and in these hearts he will continue to live."

IN THE DISTRICT COURT.

In the Honolulu District Court, over which the late Mr. Wilcox long presided as First District Magistrate, many speakers extolled his memory. Judge Davis, who was called to that bench during Mr. Wilcox's last illness, recalled the kindness of the departed magistrate to himself when he committed him for contempt, allowing him to finish up his case before enforcing the penalty. Among other things he said further was that Judge Wilcox refused to be dictated to but formed his own opinion from experience and observation.

J. L. Kauhukou said that Judge Wilcox's place among the native Hawaiians could never be filled. W. O. Smith spoke of the Judge's fortitude in facing death, shown when the speaker talked with him about his affairs. In part Mr. Smith said:

"Judge Wilcox was always a faithful servant. He was a faithful and perfectly brave. He was not afraid to express his opinion, though

DEATH COMES PAINLESSLY TO JUDGE WILCOX

(Continued from page 1.)

tween times assisting the courts. Wilcox's knowledge of Hawaiian terms made him invaluable as an interpreter and it was with much regret on the part of the judges that his energy was directed in another channel.

He was appointed police judge under the local law in 1897, having been deputy under Judge Perry previously. Has occupied the position of magistrate continuously ever since. He was recommissioned for two years last year. Wilcox's knowledge of the Hawaiian race stood him in good stead on the bench. He brought to his court also a rare insight into human nature. His judgment was unerring and the punishment he inflicted just. Judge Wilcox never studied law in its strict sense, but his knowledge of the law was yet wide. The common sense with which he administered justice made up for any deficiency he may have felt in legal technicalities. His ability won for him admission to the bar.

Wilcox's wit was one of the enlivening features of otherwise dull police court sessions. Humor was dealt out liberally with his decisions, but they were none the less forceful because of the unique punctuation. He was merciful as well as just. Even those he sent to prison loved him. He was a staunch defender of the fair sex, and little mercy was shown to those who abused women. When possible he settled family disputes which otherwise would have ended in the divorce court. In all his long career on the bench Judge Wilcox made but few enemies, and not only throughout the islands will his death be felt as a severe loss, but even those who had the misfortune or perhaps good fortune to have been judged by him will miss him sorely.

Judge Wilcox was married about ten years ago to Kahuila, a highly respected Hawaiian woman whose home was on Molokai. She survives him. There are no children.

Judge Wilcox was also engaged in the manufacture of poi, and his place in Kalihi was a model institution of its kind. He was also an enthusiastic yachtsman, and it was upon some of these yachting cruises that he became famous as a story teller. He had an apparently inexhaustible fund of good stories, most of them gained in his long experience in public life. And he could tell them better than they came to him originally.

But a true estimate can be put upon him only by one who has known him intimately from boyhood. W. R. Castle and Judge Wilcox grew up together almost from babyhood.

ESTIMATE OF A FRIEND.

"Judge Wilcox was born about fifty years ago, he is a little younger than I," said W. R. Castle who has known him since babyhood last evening. He had the room adjoining mine at Punahoa in 1867 and 68. That was the only school education he had I think. He was taught by his father at home. His father Abner Wilcox was sent here as a missionary teacher. Both his father and mother went to the states, and while there, at their home in Winsted, Conn., they were taken sick and died within an hour of each other. Young Wilcox felt that he ought to be doing something for himself, and as he was an excellent Hawaiian scholar, I suggested to him that he try to get a position as interpreter in the courts here. He was a very modest man and didn't believe that he had the requisite amount of knowledge, but finally was persuaded to offer himself for trial. One trial was sufficient, he made an admirable interpreter; he had a very thorough knowledge of the Hawaiian language, as well as a thorough knowledge of the Hawaiian people, their customs and ideas. Then he had a very shrewd knowledge of mankind—of people in general. He had a keen insight into human nature, there were very few that so thoroughly understood the people here. That intuitive sense of people made him the strong man he was. It was in 1868 or 1869, that he became interpreter and he has been in the service of the government either as interpreter or judge ever since. He was for many years interpreter in the legislature and there has never been a better one. My acquaintance with him has been close and intimate and I have never known him to fail in understanding a person who was testifying at a trial or to make a mistake. Rather he put the words clearer than the witness could have done. This trust was often illustrated in the legislature and they would take things from him which they would not from anyone else. On one occasion a native member talked for ten minutes. Wilcox interpreted and stood up for only about one minute. The member got up and said: 'I talked longer than that.' 'Oh yes,' replied Mr. Wilcox, 'you talked longer than that but I interpreted all that you said.' And it was true—he had a remarkable faculty for putting it in pithy manner. He was what you might call a brilliant interpreter.

HIS CAREER AS A JUDGE.

"I think the community was well acquainted with him as a district magistrate, and I am sure everyone admired his ability there. As a judge of facts and for putting the real weight to the offenses of people brought before him in their proper position he was almost unequalled. He was possessed of a humane and tender nature, though perhaps often his language was rough. Up to the very last he did what he could both officially and privately to benefit the Hawaiian people. He was not in favor of making them objects of charity or of pauperizing the people, but he wanted to give them opportunity to become manly and to put them in a position to earn a straightforward, honest livelihood instead of becoming mere hangers-on."

HIS SENSE OF HUMOR.

"Everyone knows the sense of humor the man had—it was often seen in the right place in the police court. He had an abiding sense of the fitness of things, his wit was never shown in an untimely or imprudent way, but it was put in such form as to enliven the dullness of the police court proceedings very much indeed."

"He was married to Kahuila, a very estimable Hawaiian lady of Molokai. She was well connected there—a niece of Sol. Kupihea who was the leading man on Molokai. The marrying of a Hawaiian brought him into still closer contact with the Hawaiians and had a good influence in giving them greater confidence in him."

THE LOSS TO THE COMMUNITY.

"His death will be a great loss to the community, and a great loss to that particular position in the Honolulu police court. It will be very hard to replace him with a man so well able to deal with the lower life of Honolulu."

"He never studied law, but was admitted to the bar as a compliment to the skill and ability in which he conducted the business of the police court and the knowledge he gained of the law through his many years of interpreting. It was impossible for a man like him to spend so many years as interpreter in the courts and not acquire a considerable knowledge of the law."

HOW HE HELPED THE HAWAIIANS.

"Outside of his position as judge he also for many years carried on the business of poi manufacturing. It was not a business that enriched him but it was a Godsend to the natives who at many times were unable to get anything except from his factory."

"It is worth while to say, in connection with his position as a public man, that his influence was always in favor of education—a good type of morality and sobriety. His personal habits were always very temperate, and he was never a drinking man. He was once a member of the Fort Street Church, but afterwards quietly withdrew, but not because he didn't believe in Christianity, for his whole life showed that he was a Christian and favored Christian education. In part Mr. Smith said:

WAS WITHOUT FEAR.

"Judge Wilcox was always a very self possessed man and perfectly brave. He was not afraid to express his opinion, though

A TRIAL BY COURT MARSHAL LITIGATION

NOW OVER
Particulars of the
Deal With
Navy.

Sergeant J. H. Miller was tried by court martial last evening for absenting himself without leave from his company during the camp of the First colored man didn't seem a bit worried over the seriousness of the charge, and rather took the matter as a joke. He was a volunteer and went through the Philippine campaign and when he left the court room remarked quite audibly "These tin soldiers make me tired".

The court was appointed by Col. Jones, Lieut. Colonel Ziegler was President, and Major Wall and Captain Rose were the other members of the board. Captain J. A. Thompson acted as judge advocate, while the accused appeared for himself. He didn't seem to think any defense was necessary. He said he was sick and busy, and didn't want to lose his job at the postoffice by returning to camp.

The charges and specifications read by Captain Thompson alleged that the accused broke his furlough, being absent without leave from 6 p. m. on June 11th until 6 p. m. on June 13th.

The judge advocate suggested that perhaps Miller might want a continuance as he had only been served with the charges during the day, and then had asked that the matter be postponed. The court martial was open but everyone was excluded from the room while the court deliberated upon whether the accused should have a continuance or not.

When the defendant was recalled Col. Ziegler asked if a postponement would do him any good.

"I ain't asked no postponement," replied Miller. "Still I rather think it is late in the day to give me a copy of the charges. Guess you might just as well go on though, I may have to go somewhere else some other evening."

Lieutenant Melin of Co. "C" of which Miller is a member was first called. He was examined by Thompson. He said that Miller was absent on the 11th but was under the impression that he had been excused by Major Riley because he was sick. He had not seen him since, though he might have been there on the last day of the camp. He had not answered to roll call, though witness was not sure.

Miller conducted the cross-examination of his lieutenant and asked if he hadn't been regularly excused from duty on the night of June 10th. Melin thought he had.

"Did I have charge of the kitchen on the 11th and 12th?" the accused then asked the officer.

"You were supposed to have."

"Now I object to that answer, say yes or no," said Miller.

"No, then, you wasn't there, you were detailed to take charge of the kitchen during the camp."

In reply to a question from the president, Melin said that the whole regiment had been excused from duty on the 11th, which statement Ziegler questioned. The lieutenant insisted however that guards and all were excused that day.

Lieutenant Santos was called and testified that he had granted Miller permission to go the first night. He saw him on the 11th at camp but knew he wasn't present when the camp broke up.

Col. Ziegler inquired sharply, why Santos, as commanding officer of Co. "C" didn't know when his non-commissioned officers were not present.

"I don't know," was the reply. "I had so much to do."

Witness also said there had been roll call the first few days but not after that. When Miller did not answer roll call he was simply marked absent.

"Did you prefer charges against me?" Miller asked this witness.

"No."

"Do you know who did?"

The court wouldn't permit the last question, saying that had nothing to do with it.

Major Riley testified that he had excused some one just before dark on the 11th, but didn't recognize the accused.

Col. Ziegler asked that Col. Jones be called as witness but Sergeant Miller objected, saying that he had preferred the charges and couldn't testify against him. The objection was sustained.

"I am willing to submit the case on the evidence" the accused said. "Melin says he didn't see me, and Santos says he did. Melin says he detailed me to duty in the kitchen and Santos says he did it. The charges say I was absent without leave and my commanding officer says he granted me leave. There was no truth in what Lieutenant Melin said."

"I would like to know whether it is customary to have an audience outside at a court martial?" the accused asked the court.

"It is in the discretion of the court and the court has decided that this will be an open session."

Miller wanted to know from the judge advocate, if that was true, but Thompson referred him to the court.

"I thought you were the court," said Miller. "I ask then that this be made a closed court," he continued. "This man has been here long enough," pointing to the Advertiser reporter. "I don't want him here any more."

"This is an open court," said Colonel Ziegler. "just the same as a civil court and anyone that behaves himself can stay here."

Miller then began to answer questions put by the judge advocate and president of the court. He said he had turned out with the camp but had the backbone and was excused by Lieut. Santos and no specific time had been mentioned for his return. He said he had found it impossible to find the doctor.

"But there was a hospital there," Col. Ziegler suggested.

"I couldn't find the hospital tent," replied the accused. "I was too sick to exert myself and the way the camp was fixed up I couldn't find anything."

"Where was you the twelfth?"

"I don't know."

"Were you in town the thirteenth and fourteenth."

"Yes, but I was too busy to go out to camp, I thought the captain knew about me being sick."

"Were you sick abed?" asked the

court.

"No, but I was sick enough to be abed."

"Were you in the doctor's care?"

"No, under my own care. Now to tell you the real facts of the matter. I had to look out for my job. There was ten days' mail at the postoffice all piled up and I had to work like a slave to clear it up. Santos told me it was all right to go and he told me afterwards it was all right. I wasn't going to lose my job."

There wasn't any more argument and the court went into executive session.

The findings will have first to be reviewed by Col. Jones before they are made public.

(Continues on page 2.)

(Continued on page 1.)

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NEWSPAPER ARCHIVE®

COUNTY ACT ON APPEAL

Attorney - General Takes Formal Action.

(From Saturday's Daily.)

Notwithstanding its two sittings a day for nearly a fortnight in hearing the disbarment case, the Supreme Court has found time to file a decision in a case submitted on February 26 last. This is the ejectment suit of John H. Estate, Ltd. vs. R. Kahuna Mele, in which judgment was rendered for the defendant on a jury verdict.

An appeal was taken on different grounds, the main one being "that the court erred in refusing to direct a verdict for the plaintiff on the ground that a prima facie case of adverse possession had not been established and that the verdict is contrary to the law and evidence." The Supreme Court unanimously, in an opinion written by Justice Perry, affirms the judgment.

J. A. Magooon and J. Lightfoot appeared for plaintiff, Robertson & Wilder for defendant. The law of the case is thus stated:

The evidence in the case held sufficient to support a finding that the possession of certain land by the defendant and her predecessors in interest, even though permissive at its inception, was, for more than twenty years next preceding the commencement of the action, hostile and under such circumstances as to bring home to the true owner notice of its adverse character.

Plaintiff claimed under John H. to whom a royal patent, based upon a Land Commission award, was issued in 1875. Defendant claimed under Ehu, who obtained a Land Commission award in 1851, and the piece in dispute adjoins the land covered by that award. The evidence supported findings that Ehu and his successors always treated the disputed portion in the same manner as the land in Ehu's award, that the two portions were regarded as constituting but one piece and were enclosed within one fence, that Ehu thought that in securing the award he had obtained title to the whole piece, that Ehu and his successors had continuously maintained a fence around the premises which was originally of rough Hawaiian timber and later of imported materials, that the only dwelling on the premises stood on the disputed portion, that two successive grass houses were superseded by a modern dwelling on the same spot, that the occupation of the premises was in all respects that of an owner, that Ehu was not a servant of the konohiki, that neither Ehu nor any of his successors ever paid rent in money or labor or otherwise, and that beginning with 1875 the defendant and her predecessors paid the taxes on the land. Besides there was some slight evidence that in 1870 the owner of the ahupuaa recognized the defendant or her predecessors as the owners of the premises in question.

LANAI RANCH LITIGATION.

Two documents were filed yesterday in the equity bill for accounting of Frederick Harrison Hayselden, administration under the will of Walter Murray Gibson, against William H. Pain and Elise V. Neumann, executors under the will of Paul Neumann. One was an order by Judge Gear giving Pain fifteen days from date in which to file an answer, the other the answer of Mrs. Neumann.

Mrs. Neumann, among various admissions and denials of allegations, denies that any of the profits and benefit from the Lanai ranch conveyed to Pain and her late husband were ever received by Paul Neumann, and that Pain was acting for himself and Neumann in operating the ranch, but alleges that Pain was assuming to act for and on behalf of all the parties in interest. She admits that Pain or Neumann did not render an account of the ranch business, but alleges it was impossible for her husband or herself to do so because the matters were within the sole knowledge of Pain, who had never rendered any account to Paul Neumann or herself.

Finally Mrs. Neumann denies that she is indebted to the complainant in a large amount of money or in any sum whatever, and avers that she is ready and willing to have an account taken as prayed for. Wherefore, she joins in plaintiff's prayer for an accounting by decree of court and asks that she may have her costs.

COUNTY ACT APPEAL.

An appeal has been filed by Attorney General Andrews on behalf of plaintiffs from the decision of Judge Gear dismissing the writ of mandamus in the suit of Sanford B. Dole and others, composing the Board of Public Institutions under the County Act against Henry E. Cooper, Superintendent of Public Works.

Sophie Ching Duck petitions that she be appointed administrator of the estate of Ching Duck late of the village of Kok Doo Heong San, China. The estate consists of a fire claim award of the value of \$162.75.

Judge Gear has signed a decree discharging the bonds of marriage between Emily Cameron Williams and Edward Austin Williams, on the ground of neglect and refusal of the wife to provide suitable maintenance for his wife and requiring the wife to pay costs of court and a fee of \$75 to Williams' attorney.

SEVERE PRACTICE usually disabuses the furred person for three or four weeks. Cures have often been effected in less than one week by applying Chamberlain's Pain Balm. This liniment has great healing power. One application gives relief. Try it. All Druggists sell it. Benjamin Smith & Co., Ltd., Agents for Hawall.

NEWS AND GOSSIP FROM THE NATIONAL CAPITAL

(MAIL SPECIAL TO THE ADVERTISER.)

WASHINGTON, D. C., June 29.—The official summer vacation period, which has had several starts already during the last three months, has now begun in earnest, for President Roosevelt has hastened away to his country seat near Oyster Bay. It has been so cool and comfortable in Washington all through June that little impetus has existed to move out of sight of the Capitol dome but, comfortable or uncomfortable, officials will have their vacation and thereby the proprietors of summer resorts reap a profit. There are always a following of people who do what officialdom is doing.

The President cleared away a great deal of routine business during his three weeks stay here but there was little of the rush and turmoil about the White House which characterizes the presence in town of numerous Congressmen. A few came to town to transact business and do errands for constituents. The federal plumb tree was occasionally shaken and a few choice plums have fallen. Considerable business that had accumulated on the desks of cabinet officers, awaiting Mr. Roosevelt's presence, has been cleared away. All in all the decks are free from encumbrances and the ship of state will proceed, according to all prospects, without much commotion for the next two or three months. The grand return of everybody, high and low, to the Capital city will not begin before September 1 and in many cases not till September 15.

THE POST-OFFICE SCANDALS.

A good deal of President Roosevelt's time was occupied in familiarizing himself with the details of the investigation of scandals in the Postoffice Department. That is about the only item of federal government, which has caused him any worry of late. He has had conference after conference about it with Postmaster General Payne and at times Fourth Assistant Postmaster General Bristow, the immediate supervisor and planner of the investigation, has been to the White House, although this is not known here, save for one visit a week or so ago.

There has been a vast deal of talk about Postmaster General Payne resigning, because of alleged mismanagement of the investigation. The President has caused semi-official denials of any such prospect to be printed in the newspapers. Mr. Payne has blundered in some things, especially about the charges of Ex-Cashier Tulloch, of the Washington City Postoffice, which he ridiculed. But on the whole, since the investigation started in earnest, Mr. Payne has been doing his utmost to root out wrong doing. It would be most unfair to dismiss him from the cabinet at this juncture, as it would reflect unjustly upon Mr. Payne. Personally

Mr. Payne is a very pleasant and courteous man. The President has a liking for him. This would be enough to keep him in the cabinet for the present, but there is another reason for keeping him in. Mr. Roosevelt has need of him next year in raising campaign contributions. To this end he is keeping in touch with the Hanna contingent of the party, for if anybody can get money for the Republicans next year, it will be that contingent. Nobody knows how many votes were due to the enormous campaign funds of 1896 and 1900. If the Democrats have a conservative candidate and a conservative platform next year, they will also have a few barrels of money. It is that which the Republicans fear.

HANNA'S POLITICAL VITALITY.

In spite of all the talk at the time of the Ohio Republican convention that Mr. Hanna had lost prestige by appearing to oppose the endorsement of Roosevelt for nomination, "the old man" is showing wonderful political vitality. He is still of great importance to the administration. Nobody realizes more than Mr. Roosevelt how necessary to him it is to prevent any serious defection of business interests next year and that is why, for one reason, that he is cuddling close to Hanna. It must not be forgotten that the two are warm personal friends, but Mr. Hanna can sway as no other public man at the present time can, the great industrial captains. If he consents, however reluctantly, to head the national committee next year he will be a tower of strength there to Mr. Roosevelt. He can enter Wall Street and bring away all the money he can carry. But the talk about making Mr. Hanna the candidate for vice president is founded on the same reasons, because of the conviction that he would be powerful to compel votes among the business men.

GORMAN MAY RUN.

The conviction seems to grow here that Senator Gorman, of Maryland, will be the Democratic nominee. Next to Senator Hanna, he is probably the strongest man in the country with the great business interests and with the Marylander at the head of the ticket the Republicans would be more or less alarmed about the drift of the business vote and the business influence. If the indications for Gorman's nomination increase as the session of Congress proceeds, the Republicans will look about them sharply for some means to counteract the Gorman influence in industrial circles.

Senator Hanna is very loth to accept any great responsibility in the next campaign. He is getting old and infirm and wants to rest from political labors, but it would be no surprise if he eventually consented to take a hand. He is very loyal to the party and, in spite of the burden, enjoys being actively in the harness.

HONOLULU MATTERS

The failure of five Chinamen, formerly in the Territory of Hawaii, to return within a statutory period, Commissioner of Immigration Frank P. Sargent has ordered the stubs and duplicates of the certificates to be destroyed. All are Chinese laborers, by name: Loo Chew Mung, farmer at Waiau, Oahu; See Gun, Packer, King Street, Honolulu; Chin Hin, laundryman, Fort Street, Honolulu; Jen Lay, steward, Hotel Street, Honolulu, and Kwon Cue, King Street, Honolulu. All left Honolulu during April, 1901.

Another grist of customs decisions, affecting opinions rendered by the Collector at Honolulu, has been rendered by the Board of Appraisers in New York. In this case the protests against the decision of the collector at Honolulu are sustained and the collector's decision reversed with instructions to reliquidate the entries accordingly.

The merchandise in question in these cases was imported from Japan and China into the port of Honolulu and consisted of so-called bean cake, bean stick, and potato cake. The goods were classified and assessed for duty under the provisions for "all vegetables prepared or preserved" at 40 per cent ad valorem but Wing Sing Wo, et al., the importers, claimed that the goods were dutiable at 20 per cent ad valorem as non-enumerated manufactured articles.

Wing Sing Wo win in their contention, the decision of the Board of Appraisers being final in the matter. The bean cakes are described before the appraisers as small, approximately rectangular shapes of porous consistency and yellow color, which break into crumbs under pressure. The bean sticks are lengths of hard, brittle, yellow substance, having a glazed appearance and resembling a piece of molasses candy. The potato cakes are thin pieces of white porous substance, tough and somewhat flexible. A great deal of evidence was collected in the cases, some of it from the manufacturers in the Orient, including Tsunesaburo Nagayama, owner of the Kori Konnyaku (potato cake) manufactory at Yokohama, who has manufactured those goods for six years.

ERNEST G. WALKER.

NEW HOME FOR GIRLS

Hopper Homestead Will Be So Used.



"We are old friends, this bottle and I. We have known each other for over sixty years. When a boy I was always taking cold, but a few doses of this medicine would at once set me right."

"When a young man I had a weak throat and weak lungs. My friends feared some lung trouble, but

"Ayer's Cherry Pectoral greatly strengthened my throat, cleared up my voice, and took away the tendency for every cold to go to my lungs."

"Last year I had a bad attack of influenza. The only medicine I took was from this bottle, and I came out all right. I know it's good, too, for asthma, bronchitis, pneumonia, croup."

"There are many substitutes and imitations. Beware of them! Be sure you get Ayer's Cherry Pectoral."

Two sizes. Large and small bottles. Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO. Agents.

Our Best Advertisement

Pure Drugs

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Chemicals

TOILET ARTICLES

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PERFUMERIES

At Reasonable Prices. Call and Convince Yourself.

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MOANA HOTEL . . .

WAIKIKI BEACH

RAPID TRANSIT ELECTRIC CARS arrive at, and depart from, the main entrance to the Moana Hotel every ten minutes.

MOANA HOTEL CO., LTD.

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T. K. JAMES, Proprietor.

Private apartments, en suite and single. Finest appointed and furnished house in Hawaii. Mosquito proof throughout. Hotel street, near Alakea.

is due in great measure to fires that follow reckless lumbering.

In the far West, the relationship between forests and water-supply is intimate and far-reaching. Here agriculture is mainly carried on through irrigation. The question of water-supply is a question of life, and a forest fire in a watershed means not alone the loss of the timber but the removal of the covering that protects the snow from rapid melting with the warm spring sun, and a consequent rapid run-off of rain and melted snow, filling reservoirs with sediment, carrying away storage dams, and causing the streams to dwindle to nothing in the late summer, when water is most needed.

A single illustration will show this. One of the accompanying views shows a steep mountain-slope in the San Gabriel Forest Reserve of Southern California. When the first settlers came, there was an abundance of water, and agriculture developed rapidly. This is the famous orange district around Redlands and Riverside, where orange orchards are worth as much as two thousand dollars an acre. Soon after, forest fires started the denudation of the San Gabriel and San Bernardino mountains, sweeping them repeatedly.

Then streams began to fail in late summer, and flowing artesian wells made up the deficit; more fires, and the wells had to be pumped. Later, lateral tunnels were dug to develop every drop of seepage water, and now the supply is barely holding out. Lands adjoining the immensely valuable orange groves have the same fertile quality, but are worthless through lack of water. In short, the development of what is probably the richest agricultural spot of gradually, but dashes down in torrent, the country has been effectively arrested, no longer a benefit but an added agent by forest fire, and it will remain of harm, carrying away the soil and at a standstill until the replanted forests are developed.—Review of the increase of damaging floods in late years.

Hamburg-Bremen Fire Insurance Co.

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of
F. A. SCHAEFER & CO., Agents.

German Lloyd Marine Insurance Co. of BERLIN.

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The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., General Agents.

General Insurance Co. for Sea River and Land Transport of Dresden.

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO., Agents for the Hawaiian Islands.

YOUR SUGAR CROP

Depends on the right quantity and quality of Ammoniums it has to feed upon. Nitrogen (Ammonia) being the principal material removed from the soil by sugar cane.

A few dollars' worth of

NITRATE OF SODA

(The Standard Ammoniate)

fed to each acre of growing cane will give surprising results.

Planters should read our bulletins giving results of Agricultural Experiment Station trials. They are sent free. Send name on Post Card.

WILLIAM S. MYERS, Director. 19-16 John St., New York, U. S. A.

CABLE STAFF IS TO BE SEPARATED

The Alameda when she sails on Wednesday will carry on her a number of men from the cable ship Anglia who have been ordered home to England.

The following officers will leave: Captain Patterson and Mr. Baywell representing the Pacific Commercial Company, Thomas Clark, Chief Electrician of the Commercial Telegraph Company, Mr. Fender and Mr. Wolfe Barry. Mr. Todhunter remains in Honolulu until the contractors' guarantee expires, which will be one month from the time the cable was laid, or August 4.

The Anglia will go to the Naval wharf this morning to coal. She takes about two thousand tons, and after loading will get away for London. She will probably take her departure the latter part of the week.

WHAT WE HAVE

learned. The century just closed was the most wonderful of all the centuries since the morning of time. Whether the twentieth will equal it remains to be seen. Conspicuous among its inventions and discoveries is the advance made in preventing and curing disease. Great epidemics no longer sweep over the world; men have learned how to choke these monsters in the hour of their birth. And as to those diseases which were practically universal and continuous, diseases which afflicted and destroyed more people than occasional outbreaks of cholera, smallpox or plague, we have them now under control to an extent that, twenty-five years ago, was not dreamed of as possible. The list includes Scrofula, Anemia, La Grippe, Influenza, Troubles of the Throat, Lungs, Stomach and Bowels and all Wasting Complaints. Over these scourges of the human race the specific and antidote provided by progressive medical science is

WAMPOLE'S PREPARATION

It is palatable as honey and contains the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. Its medicinal and reconstructive power is more than remarkable; nothing compares with it. It never fails to make the weak strong and as an effective remedy for wasting diseases it stands in the front rank in the march of medicine. It comes to the rescue of those who have received no benefit from any other treatment: the blood is purified and disease germs thrust out of the system. It cannot fail. If hard to please, try it: one bottle convinces. The first dose does obvious good. Get the genuine. Sold by all chemists here and everywhere.

MUSIC AND LITERATURE

Makawao Club Gives Fine Concert.

MAUI, July 11.—The Makawao Literary Society gave a "pay" entertainment on the large lanai of the residence of Hon. H. P. Baldwin at Camp No. 1, Puunene, Wednesday evening.

A stage with electric foot lights was placed at one end of the hall-like room and potted plants made admirable decorations. People from all parts of central Maui filled the large auditorium.

The engine that pulled the train that conveyed the Wailuku residents was off the track a half hour and thus caused a delay in the beginning of the following elaborate program:

Piano Solo—Mrs. Randal von Tempsky.

Stereo-picon Views—Rev. W. H. Rice.

Duet—Mrs. von Tempsky and Mr. Searby.

Selection—"Florodora"

Vocal Solo—Miss Cooledge.

Recitation—Mrs. Lowell.

Cantata—"The Grasshopper"

Those who took part in "Florodora" which received an enthusiastic encore were Miss Culbert and Mr. W. O. Aiken, Miss Ethel Smith and Mr. Thompson, Miss Cooledge and Mr. Krumhbaard, and Miss Eva Smith and Dr. G. S. Aiken.

In the cantata, the grasshoppers (in costume) were Mesdames Hair and Nicoll, Misses Cooledge, Burgner, Mosser, and Aiken and Messrs. Nicoll, Hair and D. T. Fleming. D. C. Lindsay was "Turkey Gobbler," and Messrs. W. O. and G. S. Aiken were "black bugs."

This musical extravaganza was founded upon the old college song which tells of a turkey gobbler gobbling up a grasshopper sitting on a sweet potato vine. About \$125 was realized from the entertainment.

The score of the Hamakauapoko-Pala baseball game which took place the morning of the 4th on the Sunnyside Polo grounds was 26 to 19 in favor of Hamakauapoko. But five innings were played. Krumbhaar pitched for Hamakauapoko and Driscoll and W. O. Aiken for Pala. Straight throwing was the rule of the game. The contest was productive of much amusement. Messrs. Taite and Searby were umpires.

The polo tournament during the afternoon was played in a more scientific manner and though it resulted in a "draw" was very exciting.

Four ten-minute periods of play between the "Whites" and "Yellows" resulted in favor of the "Whites" 4 goals to 2. Then the "Reds" beat the "Whites" 3 to 2 1-2, the latter losing 1-2 owing to two safeties. Each side made 3 goals.

Last, the "Yellows" contested with the "Reds" and after three ten-minute periods of fierce play, neither side scoring, the "Yellows" got the victory by the algebraic score of 0 to minus 1-4—the minus one-fourth signifying a safety touch-down by the "Reds."

As each team lost and won a game, the tournament was declared a "draw".

STRAY NOTES.

One night last week, Mitchell, the coachman of the H. P. Baldwin, was held up in Chinatown, Pala, by a gang of Porto Ricans which infests the vicinity. Several arrests have been made. It is stated that a number of Porto Ricans have recently left the plantation and are living by their wits in the makai part of Pala.

Mr. O'Shaughnessy is not only engineer-in-chief but also is the manager of the new Koolau ditch and sole representative of the four plantations of Puunene, Pala, Hamakauapoko and Kihel. Mr. W. F. Pogue is subordinate to Mr. O'Shaughnessy.

There is peace in the Christian Science church of Pauwela. The door of the holy edifice is never locked and both factions hold services at different times without any friction.

On March 27, 1902, the employees of Hana plantation presented to the retiring manager, Mr. K. B. Gjerdrum, a large and most beautiful kalo calabash mounted on three silver claw feet, with the silver monogram (K. B. G.) on one side and a silver tablet properly inscribed on the other. Wishing to have a heavy solid silver punchbowl set into the calabash, it was sent to Chicago where the work was most skillfully done.

John Dayton of Huelo, aged 72 years, died at Pala plantation hospital of for Hawaii.

cancer, Saturday, the 4th. He was buried in the Makawao cemetery the following Sunday afternoon. Rev. Dr. E. G. Beck performing the ceremony. Mr. Dayton was a kamaaina of many years residence on Maui.

Maui plantations are all beating their estimates as to sugar crops. Pala plantation ceased grinding about a week ago with the record of 7500 tons. Hamakauapoko will shut down in about a week with a yield of over 6000 tons.

Thursday morning a crater party of twelve visited Haleakala under the charge of W. O. Aiken. On account of clouds they did not have the west view of the crater. In the party were Mr. and Mrs. John F. Turner of Chicago.

Another party under charge of L. von Tempsky went down into the crater Monday, the 6th. In this party were L. A. Thurston, Harold Castle and others.

On the 4th Miss Fanny Engle and Walter Engle of Pala and Miss Charlotte Baldwin and Fred. Baldwin of Puunene arrived on Maui from schools on the mainland.

Mr. and Mrs. J. H. Nishwitz formerly of Nihabu are now in Colorado.

Miss Katherine Smith of Honolulu is the guest of Mrs. C. W. Dickey at Olinada House.

Miss Agnes Fleming of Grove Ranch departed for Honolulu on the 5th to attend the Summer School.

Miss Dowdle of Pala has been sick with dengue.

Miss Nellie Crook of Makawao soon goes to the Coast for a several months' trip.

Miss Irene Crook goes to Honolulu today to attend the Summer School.

Tonight, the 11th, Mrs. Randal von Tempsky gives a dancing party at her Makawao residence.

At noon on the 12th, Mrs. L. von Tempsky of Haleakala Ranch will give a luau as a farewell to Miss Hayes.

Mrs. James Scott of Kihel is recovering from severe injuries on the hand caused by the bite of a large Newfoundland dog.

GOV. DOLE TO VISIT ON MAUI

On next Wednesday, the Iroquois commanded by Captain Rodman will bring Governor S. B. Dole and other prominent territorial officials and citizens to Lanai, on a semi-official visit, extending over several days.

Learning this fact, the representative of the News, while in Honolulu during the early part of this week, could on the governor and on behalf of the citizens of Maui invited him to extend his visit to our Island.

Although the Governor proposes to visit Hawaii on board the Iroquois as soon as his duties on Lanai are completed, yet he graciously consented to spend a day and night on Maui before proceeding to Hawaii. According to present plans, the Iroquois will land the Governor and party at Kihel where they will be met by a special train and brought through the cane area of central Maui, and a visit to the Putunene mill will be a feature of the trip. The party will be brought to Wailuku where they will spend the day and night at the guests of its citizens, rejoining the Iroquois and resuming their trip on the following morning.

A committee of the citizens of Maui will have the matter in hand and as there is absolutely no political or business features in the affair, the event will be purely a social one in which Wailuku will have another chance to prove the open handed and friendly hospitality of her wide awake citizens.

—Maui News.

News of Lahaina.

A very successful and enjoyable ball was given last Saturday evening at the Lahaina Club House. The rooms and the dancing enclosure were beautifully decorated with Japanese lanterns, flowers and flags. A brilliant arc light illuminated the dancing floor.

There was a large attendance and bountiful refreshments were served. Count Zedtwitz added much to the musical attractions.

The first anniversary of the Lahaina Branch of the Japanese Red Cross Association was held on Sunday afternoon at the residence of Dr. Miyata.

The grounds were tastily decorated with Japanese flags, and with the insignia of the Red Cross Society. Appropriate remarks were made by some of the gentlemen present, and then all were invited to the tables laden with fruits, sweetmeats and Oriental delicacies.

Prof. E. H. Carleton has been selling some of his furniture this week, in anticipation of removal.

The Rev. Canon Ault and family came over from Wailuku on Thursday afternoon, and are pleasantly located in Miss Hadley's cottage by the sea.

—Maui News.

A SCAR from a burn or scald is often dredged more than the pain that is inflicted. Chamberlain's Pain Balm heals the injured part in less time than any other treatment and unless the injury is a severe one, no scar will be left. One application gives relief.

Try it. All Dealers and Druggists sell it. Benson, Smith & Co., Ltd., Agents

of Chamberlain's Pain Balm.

517 Arch St., Philadelphia, Pa.

PARTIAL PARALYSIS

Still Another Case Cured by Dr. Williams' Pink Pills.

The story of the cure of Henry J. Hubbard, of Witten, Ohio, from paraparesis, will bring hope to others afflicted

as he was. He was helpless and utterly discouraged. He had been getting worse and worse, month by month. First it made him unable to work, then he could not walk, then he could not even raise a hand to feed himself, he could not move any part of his body except his head.

"I heard of Mr. Lee F. Cypher, of Sisterville, a neighboring town in West Virginia, who had been cured of paralysis by Dr. Williams' Pink Pills for Pale People," says Mr. Hubbard in telling the story of his cure, "and my son took me over to see him. It gave me new courage to hear him tell how easily he found relief, for I had given up hope of ever being able to move again. I was perfectly helpless. When I was first taken I was treated by three physicians, one of them a specialist, but I got worse instead of better. I could both walk and feed myself when I began doctoring with them, but finally I could move nothing except my head. The doctors' medicine caused my stomach to pain me a great deal; it didn't help me a bit, and, as I said, I got discouraged.

"Then, after I saw Mr. Cypher, and he told me that Dr. Williams' Pink Pills for Pale People had accomplished such a wonderful cure in his case, I decided to take this remedy myself. In about three weeks after beginning with the pills I noticed a change for the better. Now I can walk and get around all right."

The first symptoms of partial paralysis are: trembling of the hands; sudden loss of power in arms or legs, frequently affecting one whole side of the body; staggering; partial or entire inability to use the fingers; distortion of the features, sometimes an uncontrollable quivering of the chin; severe pains; difficulty in speech. Paralysis may be caused by exposure, emotional influence, venereal excesses and by other diseases. The approach of the disease is generally gradual. Frequently the first warning is a vague feeling of headache, vertigo and muscular weakness. The best method of treatment is to restore the nutrition and vitality of the nerves by using Dr. Williams' Pink Pills for Pale People.

THE AGONY IS ENDED.

(Continued from page 3.)

of attorney." He was Wyllie both by name and nature."

MR. ANDREWS REPLIES.

Attorney General Andrews, in replying to both respondents and their counsel, only discussed two points in the evidence. He took it that the court was tired of the often repeated stories, besides having the records to review the testimony for themselves.

Regarding the stress that had been laid on his own inability to inform Watson, when he came to his office, of the nature and scope of the charges, he mentioned the fact that he had but recently to the time stated been precipitated into the office of Attorney General when it was crowded with business. Was it reasonable to suppose that there was opportunity within the twelve days in question to discuss the matter with Deputy Peters, or for himself to have mastered the details of what had taken four months to investigate? The respondents had not been able, it would appear, to formulate their charges against the other attorneys in the Summer cases during all of that period, which they took occasion to throw out since the beginning of the present trial. Simply because he had not talked this case over with Peters, when both had more of their ordinary duties to perform than they had time to take care of, the respondents had consigned him to the bottommost depths of hell.

The Attorney-General argued, in reply to Mr. Cathcart, that the cases quoted by him were not at all analogous to the one at bar.

IGNORES CALUMNIA.

Mr. Andrews reminded the respondents that the prosecution was not voluntarily undertaken by him, but resulted from an investigation into the conduct of respondents ordered by the Supreme Court AT THEIR OWN SOLICITATION. He had endeavored to conduct the case fairly and there was no occasion for the outbursts of vindictive calumnia which, in his reply, he deemed best to ignore. Such was the substance of the Attorney-General's remarks, which were, succeeded by the arrangement about briefs already mentioned.



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Ornamental, Storm-Proof, Easily

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These tiles are recommended by leading architects, engineers and builders of first class buildings.

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Send for illustrated booklet of our

specialties, mailed free upon applica-

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517 Arch St., Philadelphia, Pa.



THE LAST SAD RITES WERE SAID

(Continued from page 5.)
brave man and he died as such. It is not often that a man can be a public servant for as long a time as Judge Wilcox. He filled public positions during times of much excitement but he was a man without ostentation, plain and not given to excitement. In this way, he was able to carry out his judgments with that which is the very foundation of justice and to temper justice with mercy.

"I take gratification not in magnifying him but in paying my tribute to a not only honest man but a faithful man and to the sound judgment he showed as a plain, unassuming gentleman."

E. P. Dole, High Sheriff Brown and S. F. Chillingworth paid high tributes to the departed as magistrate and man.

At the conclusion of the speaking, a committee of five members of the bar was appointed to draw up a memorial.

THE FANNIE KERR'S LAST LONG VOYAGE

The Manila Times says:

Thirty-eight hundred miles, through calm and storm, and with no man at the helm, the bulk of the once good ship Fannie Kerr followed a course from a point in mid-Pacific, not far from the Hawaiian group, to the far island of Formosa and threw her bones up on the beach, to sail no more. It was on May 29th, last year, that fire broke out in the coal cargo of the Fannie Kerr while she was bound from Newcastle, Australia, to San Francisco, and Captain Gibbons and his crew abandoned the ship without delay after a few hours' fight with the flames and soon convinced them that the vessel would be total loss. They stood away in their small boats for the Hawaiian Islands, and all finally reached Honolulu. Tug boats and steamers from Honolulu made diligent search for the abandoned Fannie Kerr, but without avail. It was in latitude 26 deg. 30 min. north, longitude 169 deg. west, that she was last seen by the crew. Though the bulk kept afloat and continued to burn for nearly a year she was not seen by any of the hundreds of steamers or ships passing to and fro from the Asiatic coast until a few weeks ago when the steamer Taurus, bound from India for Yokohama, reached her destination on April 9th and reported that the Fannie Kerr had been sighted about five miles from Formosa. All the rigging was gone except the bowsprit, and smoke was still coming from the derelict. The decks had buckled, and there was evidence that an explosion had taken place. The news received later that the wreck had finally gone ashore on Formosa confirms the report made by the Taurus. In travelling from the point where she was abandoned a year ago the Fannie Kerr covered a distance of 3800 miles. Her exact course as she followed the currents will never be known but the spot where she went ashore on Formosa is practically the same latitude as the place where she was abandoned.

Sunday, July 12.

H. B. M. C. S. Iris, Lacy, from Fanning Island, at 2 p. m.

Stmr. Mikahala, Gregory, from Kauai.

Stmr. Nihau, W. Thompson, from Kauai.

Schooner Kauikeaouli, from Kohala-tee, at 6:30 p. m.

Monday, July 13.

T. K. K. S. Nippon Maru, E. Bent, from the Orient, at 4 p. m.

T. K. K. S. Hongkong Maru, F. Filmer, from San Francisco, at 5 p. m.

DEPARTED.

Friday, July 10.

Stmr. J. A. Cummings, D. Bennett, for Kauai ports, at 9 a. m.

Am. schr. Rosamond, Fernald, for San Francisco, at 1:30 p. m.

Schr. Ka Mol, for Kohala-tee, at 3 p. m.

Stmr. Mauna Loa, Simerson, for Lahaina, Maalaea, Kona and Kauai ports at noon.

Stmr. Ke Au Hou, Tullett, for Nawiliwili, at noon.

Saturday, July 11.

A.-H. S. S. Nevedan, Weedon, for San Francisco, at 2:30 p. m.

Stmr. Waialeale, Cook, for Ahukini and Kilauea, at 3 p. m.

Stmr. Helene, Nelson, for Pauhau, Kukauau, Ookala, Laupahoehoe and Papaaloa at 4 p. m.

Monday, July 13.

Stmr. Lehua, Naopala, for Molokai, and Lanai ports, at 5 p. m.

Stmr. Ke Au Hou, Tullett, for Kapa, Anahola, Kilauea, Kalihwai and Hanalei, at 5 p. m.

Schr. Mol Wahine, Kuanone, for Hawaii ports, at 3 p. m.

PASSENGERS.

Arrived.

Per stmr. Ke Au Hou, from Kauai ports, July 10.—Miss Bertleman and 3 deck.

From Hilo and way ports, per stmr. Kinau, July 11.—Queen Liliuokalani, Miss Lillian Keamau, Miss Myra Hele-lube, Joseph Aea, John Aimoiki, Mrs. H. Kuthelani, S. B. Rose, Wm. McKay, H. M. Reihm, Walter Madler, R. Giesecke, R. F. Lange, L. J. Warren, J. A. M. Johnson, Mrs. Geo. L. Deahe, Mrs. S. C. Dwight, Mrs. Geo. F. Davies, Miss Lillinoe Hapai, Miss Hattie Hapai, W. H. Stone, Miss E. K. Ewahiko, Miss K. Ewahiko, Paul Jarrett, David Kalani, H. C. Foss, Miss Kahuila, R. C. L. Perkins and wife, Dr. Y. Nagai, Harry Piggott, R. Hawkhurst, Jr. Jaa. von Ekekela, W. G. Walker, Sam Wo Chang and son, Mrs. Patten, Mrs. I. Hussey and two children, J. O. Carter, Jr., Miss L. Akina, Miss Alice Ahoy, E. B. McClellan, W. C. Vida, Miss I. C. Jaeger, Miss N. Pickard, H. T. Broderick, D. H. Kahalello and wife, E. J. Walker.

From Maui, Lanai and Molokai ports, per stmr. Lehua, July 11.—Mr. Wagner, Chas. Simpson.

Per stmr. Claudine, from Maui ports, July 12—Miss R. Smith, Mrs. D. H. Davis, Miss C. L. Turner, Miss Crook, Miss L. Iokia, Miss L. Ahuna, Mrs. S. Lyman, Miss E. Toomey, Miss Wong Kong, Jno. Plunkett, J. Morris, C. M. Lovsted, Mrs. Franza, Mrs. M. A. Gonsalves, A. Ng Hin, Tan Sing, Miss M. Gomes, Ah Chock, T. A. Kikona, S. Ishikane, Mrs. Hapai Nui and child, M. Kauhalmu, W. B. Keau, Mrs. E. Doyle, Miss Doyle, Miss Mallana, Mrs. Dickens and 2 children, J. Brown, Miss L. Goodwin, Mrs. E. Smith, Master W. Smith, R. W. Shingle, A. B. Wood, W. K. Hoopii, H. L. Nahaoelua, Yee Chong, Ah Chan.

Departed

Per stmr. Mauna Loa, July 10, for Lahaina, Maalaea, Kona and Kauai ports—Gertrude Hoffstaed, C. M. Cooke, Mrs. S. C. Allen, Miss Bicknell, Miss Robertson, A. G. Serran, Lizzie Yates, S. Kekumano, Dr. J. S. B. Pratt, Miss Ben Taylor, E. E. Conant and family, A. B. Wood, Mrs. Annie Manase, Hannah Jacobson, Mrs. S. A. Green, Miss Parker, Rhoda Green, W. W. Chamberlain, A. Haneberg, E. K. Kaana and wife, Emma Green, Mrs. Savidge, R. G. Henderson, Mrs. F. Koehler, Mrs. Mokihana, Fernandez, R. W. Shingle, Miss K. McIntyre, C. J. Day, Mrs. K. H. Scott, G. H. Robertson, O. A. Stevens, Alfred Smith, Alice Muller, C. W. P. Kaeo, Mrs. Kaeo, Rev. J. Kauhane, Mrs. Lono, Rev. W. N. Lono, Master Lono, K. Howina, Mrs. J. K. Kaaua, Julia Pimenta, O. K. McBryde, E. Kekuhi and 63 deck.

The steamer Nihau arrived from Kauai ports yesterday.

AFTERNOON DISPATCHES FROM ASSOCIATED PRESS

BRESLAU, Germany, July 13.—The country about Breslau has been swept by a terrific flood. Thirty persons are known to have lost their lives.

NEW YORK, N. Y., July 13.—As a result of a compromise reached between the labor unions and contractors, 20,000 mechanics returned to work this morning.

WASHINGTON, D. C., July 13.—The Government has instituted an investigation of alleged irregularities in connection with the assay of lead ore at El Paso.

SANTIAGO DE CHILE, Chile, S. A., July 13.—The recent outbreak of plague is assuming alarming proportions. The disease is spreading and the people are becoming difficult to control.

ROME, Italy, July 13.—Pope Leo's condition has taken a serious turn for the worse today. The patient's mind seems to be giving away. During one period this morning he said to those about him that a great shadow was approaching his bed. Salt water has been injected hypodermically and although a slight revival was apparent, the Pope is very much weaker and the end may come at any moment. The whole system seems to be giving away and the physicians are applying the restoratives of the last resort.

DUBLIN, Ireland, July 13.—The municipal corporation of Dublin today gave evidence that the old feeling against the King of England is by no means wiped out. The course of the new land law in Parliament had given many cause to believe that much of the old bitterness was allayed. A vote taken by the corporation on the presentation of an address of welcome to King Edward was almost unanimous against the extension of such court-esy.

DEATH COMES PAINLESSLY TO JUDGE WILCOX

(Continued from page 5.)

as a rule he was moderate and conservative. He was essentially a conservative man. In early days of annexation there was a good deal of roughness and he had occasion to punish some soldiers from Camp McKinley very severely. They became very angry, and one night while he was eating supper in a downtown restaurant, a friend came to him and whispered that he had better slip out by a side door, as there were a number of soldiers waiting outside who intended to give him a thrashing. He finished eating his supper very quietly without any apparent disturbance of mind and then as he went out of the door one of the soldiers stepped up to him and Wilcox answered perfectly cool and without the slightest fear. They weren't prepared for that kind of a reception and withdrew. What he did in the police court had a slight salutary effect.

"He never thrust his views upon the people, though he often had very decided views, yet he was perfectly willing to let other people have their opinions and ideas.

"His death will be a great loss to the community, and I am glad to have an opportunity to express my admiration of him."

THE FUNERAL.

The funeral services will be held this afternoon in Kawaiahae church. All the arrangements have not been completed, but the ceremony will be a fitting close to the life of activity. The service will be public and the friends of the deceased are invited to attend.

ATTORNEYS FAVOR IT

Movement to Remodel the Supreme Court.

There was a meeting of the executive committee of the Hawaiian Bar Association at noon yesterday in Smith & Lewis's office, Judd building.

A. F. Judd, Frank Andrade and John L. Kaulukou were appointed a committee to confer with the Justices of the Supreme Court about holding a memorial session out of respect to the late Judge Wilcox and to prepare resolutions for that occasion. It was decided that members of the bar should attend the funeral in a body.

H. A. Bigelow, J. W. Cathcart and C. R. Hemenway were appointed a committee to take up the matter of increasing the number of Supreme Court Justices to five, which was discussed at the annual banquet. The committee is directed to draw up a memorial to Congress and an amendment to the Organic Act making the proposed change, and report such drafts back to the executive committee for submission to a meeting of the Association to be called for a general discussion of the subject.

The Association is practically committed to this proposed change in the constitution of the Supreme Court.

SOME DOINGS IN THE COURTS

Fred V. Berger filed an amended complaint against E. Faxon Bishop, in the 112 Korean immigration cases before the Federal court.

Ell J. Crawford, administrator of the estate of J. Kealohakai, deceased, has filed his bond in \$400 with Samuel M. Damon as surety.

The British ship Dechmont is discharging coal, and the schooner Millard is discharging lumber at the Bishop wharf.

The cableship Iris began taking on 100 tons of coal yesterday afternoon. She is laying in the stream and being coaled from night.

The British ship Acme anchored outside yesterday. As soon as the Captain gets a crew she will sail for Delaware Breakwater.

Marine Exchange cables state that the Pacific arrived at San Francisco on the 13th. The schooner Defender arrived from Honolulu on the same day.

Judges De Bolt and Gear have con-

siderable of chamber business to dispose of this week.

Antone Fernandez, member of the Legislature, has taken out a license to practice law in the lower courts.

W. S. Ellis has appealed from Judge De Bolt's decree dismissing his application to have his granduncle John K. Sumner put under guardianship for insanity.

Numbering of Ships.

A new system of official numbers for American vessels went into effect on July 1, when the Bureau of Navigation joined the Department of Commerce and Labor. The new series of numbers begins at 200,000 and hereafter new vessels will be numbered serially in the order of application for official number, regardless of the initial letter of the vessel's name, and of rig or motive power. Thus the official number will indicate approximately the date of build of each new vessel hereafter, being permanently marked on its main beam.

SUMMER COMPLAINT is the children's most dangerous enemy and the mother's most dreaded foe. Immediate and proper treatment is always necessary. Chamberlain's Colic, Cholera and Diarrhoea Remedy, given according to directions, is the most effectual remedy known. Every household should have a bottle at hand. Get it today. It may save a life. All Dealers and Druggists sell it. Benson, Smith & Co., Ltd., Agents for Hawaii.

The tug Kaena has gone on the Marine Railway for an overhauling.

The Gerard C. Tobey is at the Pacific Mall wharf discharging coal.

The Kinau sails for Hilo at noon today, and the Claudine for Maui ports at 5 p. m.

The Hongkong Maru is at the Chan-

nel wharf, and will sail for the Orient at noon today.

The steamer Ventura which is due

here from the Colonies has on board \$1,500,000 in gold.

The oil-carrying steamer Argyle left San Francisco with a full cargo for Kohala on July 6.

The British ship Dechmont is discharging coal, and the schooner Millard is discharging lumber at the Bishop wharf.

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Judges De Bolt and Gear have con-

tinued their work.

Trs. of Oahu College to R. J. Pratt; D: Lot 8 Blk 6 College Hills, Honolulu, Oahu; \$1,200. B 249, p 284. Dated June 28, 1903.

Trs. of Oahu College to Florence French; Ex-D: Lot 6 Blk 6 College Hills, Honolulu, Oahu; \$1 etc. B 249, p 285. Dated June 29, 1903.

Florence French & wf to Trs. of Oahu College; Ex-D: Lot 1 Blk 5 College Hills, Honolulu, Oahu; \$1 etc. B 249, p 286. Dated June 29, 1903.

Trs. of Oahu College to F. Barwick; Ex-D: Lot 1 Blk 5 College Hills, Honolulu, Oahu; \$1 etc. B 249, p 287. Dated June 29, 1903.

F. Barwick & wf to Trs. of College; Ex-D: Lot 7 Blk 5 College Hills, Honolulu, Oahu; \$1 etc. B 249, p 288. Dated June 29, 1903.

Recorded July 1.

C. B. Reynolds & wf to Geo F. Davies; D: Lot 1 Blk 5 College Hills, Honolulu, Oahu; \$13,000. B 249, p 289. Dated June 29, 1903.

Wong Shiu King & wf to T. Y. Soong; D: 1 share in Lot 2 of P. R. 1885 & bldgs Kamakela, Honolulu, Oahu; \$300. B 249, p 290. Dated June 29, 1903.

F. Dalton to L. Richey; D: por R. P. 6667 Kanelo Road, Honolulu, Oahu; \$300. B 249, p 291. Dated May 16, 1903.

Recorded July 2.

L. K. Kentwell & wf to Hawaiian Realty & Mortg. Co. Ltd.; D: Land & Leaseholds etc. Oahu, and Hawaii; \$36,940. B 249, p 292. Dated July